

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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 Modernizing and Protecting the Unemployment Insurance System.

PETITION OF:

NAME:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT MODERNIZING AND PROTECTING THE UNEMPLOYMENT INSURANCE SYSTEM.

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. Section 1(w) of chapter 151A of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by inserting after the word "quarter" in the first sentence, the following words:--

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4 ; provided further, that if the individual has worked for 15 or more weeks and such deeming renders the
5 individual ineligible for unemployment benefits, the amount shall be equal to one twenty-sixth of the
6 total wages.

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8 SECTION 2. Section 14(a) of said chapter 151A, as so appearing, is hereby amended by striking out
9 paragraph (4) and inserting in place thereof the following paragraph:-

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11 "Unemployment insurance taxable wage base", with respect to calendar years beginning on or after
12 January 1, 2012, the term "unemployment insurance taxable wage base" shall mean 52 times 57.5
13 percent of the average weekly wage as determined annually in section 29(a).

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15 SECTION 3. Section 25(e) of said chapter 151A, as so appearing, is hereby amended by striking out, in
16 lines 112-114, the words, "and in each of said weeks has earned an amount equivalent to or in excess of
17 the individuals' weekly benefit amount after the individual has left work," and replacing it with the

18 following words:--

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20 and has earned an amount equivalent to or in excess of eight times the individual's weekly benefit
21 amount after the individual has left work.

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23 SECTION 4. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by
24 inserting in the third paragraph after the word "involuntary", in line 142, the following words:-

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26 Leaving employment due to the illness or disability of a member of the individual's immediate family
27 shall be deemed to be an involuntary separation.

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29 SECTION 5. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by
30 striking out the eighth and ninth paragraphs.

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32 SECTION 6. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by
33 striking the last paragraph.

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35 SECTION 7. Section 29(b) of said chapter 151A, as so appearing, is hereby amended by adding at the
36 end thereof the following sentence:--

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38 Nothing herein shall permit a reduction of benefits solely because an individual leaves a subsidiary part-
39 time job during his or her base period.

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41 SECTION 8. Section 30(c) of said chapter 151A, as so appearing, is hereby amended by striking out the
42 first paragraph and inserting in place thereof the following paragraph:-

43 If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further
44 industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a
45 second language training to realize sustainable employment, the total benefits which that individual
46 may receive shall be extended by up to 26 times the individual's benefit rate, if the individual is
47 attending a retraining course approved by the commissioner, and if the training program shall be
48 completed within 2 years or within 3 years if the program includes a combination of adult basic

49 education, general equivalency diploma or English for speakers of other languages with vocational or
50 industrial training; provided that no English for speakers of other languages program shall be denied
51 approval under this section solely because it is not combined with another program. These additional
52 benefits shall be paid to the individual only when attending the course and only if the individual has
53 exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or
54 compensation under this chapter or under any other state unemployment compensation law or under
55 any federal law. This extension shall be available only to individuals who have applied to the
56 commissioner for training no later than the fifteenth week of a new or continued claim, but the
57 commissioner shall specify by regulation the circumstances in which the 15-week application period
58 shall be tolled, including, but not limited to, where staff of the division of unemployment assistance, or
59 its agents, have given the applicant misinformation that causes the applicant to miss the 15-week
60 deadline; the applicant is working with, or has attempted to initiate a working relationship with, a one-
61 stop career center for the purpose of securing a spot in a training program, but has not yet been able to
62 enroll in an appropriate program; the applicant needs to address the physical, psychological and legal
63 effects of domestic violence; and other good cause to be determined by the commissioner. The claimant
64 shall begin training in the first available appropriate program for which funding is available and which is
65 a reasonable distance from the claimant's residence, as determined by the commissioner, but the
66 commissioner, in his discretion, may extend the period once for not more than two weeks for any
67 applicant whose initial application is denied. Any benefits paid to an individual under this paragraph
68 which would not be chargeable to the account of any particular employer under section 14 shall be
69 charged to the solvency account. An individual eligible to receive a trade readjustment allowance under
70 Chapter 2 of Title II of the Trade Act of 1974, 19 USC 2251-2322, as amended, shall not be eligible to
71 receive additional benefits under this section for any week in which the individual receives this trade
72 readjustment allowance. An individual eligible to receive emergency unemployment compensation,
73 under any federal law, shall not be eligible to receive additional benefits under this section for any week
74 in which the individual receives that compensation.

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76 SECTION 9. Section 47 of said chapter 151A, as so appearing, is hereby amended by inserting after the
77 fourth paragraph the following paragraph:-

78 The receipt of any notice of termination of employment or of any substantial alteration in the terms of
79 employment within six months after an employee has provided evidence in connection with a claim for
80 benefits under this chapter, or has testified at any hearing conducted under any provision of this
81 chapter, shall create a rebuttable presumption that such notice or other action is a reprisal against the
82 employee for providing evidence. Such presumption shall be rebutted only by clear and convincing
83 evidence that such employer's action was not a reprisal against the employee and that the employer
84 had sufficient independent justification for taking such action, and would have in fact taken such action,
85 in the same manner and at the same time the action was taken, regardless of the employee's providing
86 evidence in connection with a claim for benefit under this chapter. An employing unit found to have
87 threatened, coerced or taken reprisal against any employee pursuant to this paragraph shall rescind any
88 adverse alteration in the terms of employment for such employee and shall offer reinstatement to any

89 terminated employee and shall also be liable for damages and costs of the suit, including a reasonable
90 attorney's fee.

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92 SECTION 10. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking out the
93 second paragraph and inserting in place thereof the following paragraph:-

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95 Notice of any such redetermination shall be promptly given to the parties entitled to notice of the
96 original determination, in the manner prescribed in this chapter with respect to notice of an original
97 determination. If the amount of benefits would be increased upon such redetermination an appeal
98 therefrom solely with respect to the matters involved in such increase may be filed in the manner and
99 subject to the limitations provided in sections 39 to 40, inclusive. If the amount of benefits would be
100 decreased upon such redetermination, the matters involved in such decrease shall be subject to review
101 in connection with an appeal by the claimant thereon or from any determination upon a subsequent
102 claim for benefits which may be affected in amount or duration by such redetermination. Any proposed
103 decrease or increase of the amount of benefits based upon such a redetermination shall not take effect
104 if any party seeks timely review in accordance with section 39(b). Subject to the same limitations and
105 for the same reasons, the commissioner may reconsider the determination in any case in which a
106 decision has been rendered by the board of review or a court, and may apply to said board or such court
107 which rendered such decision to revoke or modify such decision and the board of review or court may
108 affirm, modify or revoke such decision.

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