

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas M. McGee**

*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 relative to modernizing and protecting the unemployment insurance system.

PETITION OF:

NAME:

Thomas M. McGee

DISTRICT/ADDRESS:

Third Essex and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO 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  
2 Edition, is hereby amended by inserting after the word "quarter" in the first sentence, the following  
3 words:--

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.

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

9 "Unemployment insurance taxable wage base", with respect to calendar years beginning on or after  
10 January 1, 2011, the term "unemployment insurance taxable wage base" shall mean not less than  
11 \$20,000 and shall be adjusted annually to reflect increases in the state average weekly wage as  
12 determined in section 29(a).

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

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

19           SECTION 4. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by

20 inserting in the third paragraph after the word “involuntary”, in line 142, the following words:-

21 Leaving employment due to the illness or disability of a member of the individual’s immediate family  
22 shall be deemed to be an involuntary separation.

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

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

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

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

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

33 If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further  
34 industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a  
35 second language training to realize sustainable employment, the total benefits which that individual  
36 may receive shall be extended by up to 26 times the individual’s benefit rate, if the individual is  
37 attending a retraining course approved by the commissioner, and if the training program shall be  
38 completed within 2 years or within 3 years if the program includes a combination of adult basic  
39 education, general equivalency diploma or English for speakers of other languages with vocational or  
40 industrial training; provided that no English for speakers of other languages program shall be denied  
41 approval under this section solely because it is not combined with another program. These additional  
42 benefits shall be paid to the individual only when attending the course and only if the individual has  
43 exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or  
44 compensation under this chapter or under any other state unemployment compensation law or under  
45 any federal law. This extension shall be available only to individuals who have applied to the  
46 commissioner for training no later than the fifteenth week of a new or continued claim, but the  
47 commissioner shall specify by regulation the circumstances in which the 15-week application period  
48 shall be tolled, including, but not limited to, where staff of the division of unemployment assistance, or  
49 its agents, have given the applicant misinformation that causes the applicant to miss the 15-week  
50 deadline; the applicant is working with, or has attempted to initiate a working relationship with, a one-  
51 stop career center for the purpose of securing a spot in a training program, but has not yet been able to  
52 enroll in an appropriate program; the applicant needs to address the physical, psychological and legal  
53 effects of domestic violence; and other good cause to be determined by the commissioner. The claimant  
54 shall begin training in the first available appropriate program for which funding is available and which is  
55 a reasonable distance from the claimant’s residence, as determined by the commissioner, but the  
56 commissioner, in his discretion, may extend the period once for not more than two weeks for any

57 applicant whose initial application is denied. Any benefits paid to an individual under this paragraph  
58 which would not be chargeable to the account of any particular employer under section 14 shall be  
59 charged to the solvency account. An individual eligible to receive a trade readjustment allowance under  
60 Chapter 2 of Title II of the Trade Act of 1974, 19 USC 2251-2322, as amended, shall not be eligible to  
61 receive additional benefits under this section for any week in which the individual receives this trade  
62 readjustment allowance. An individual eligible to receive emergency unemployment compensation,  
63 under any federal law, shall not be eligible to receive additional benefits under this section for any week  
64 in which the individual receives that compensation.

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

68 The receipt of any notice of termination of employment or of any substantial alteration in the terms of  
69 employment within six months after an employee has provided evidence in connection with a claim for  
70 benefits under this chapter, or has testified at any hearing conducted under any provision of this  
71 chapter, shall create a rebuttable presumption that such notice or other action is a reprisal against the  
72 employee for providing evidence. Such presumption shall be rebutted only by clear and convincing  
73 evidence that such employer's action was not a reprisal against the employee and that the employer  
74 had sufficient independent justification for taking such action, and would have in fact taken such action,  
75 in the same manner and at the same time the action was taken, regardless of the employee's providing  
76 evidence in connection with a claim for benefit under this chapter. An employing unit found to have  
77 threatened, coerced or taken reprisal against any employee pursuant to this paragraph shall rescind any  
78 adverse alteration in the terms of employment for such employee and shall offer reinstatement to any  
79 terminated employee and shall also be liable for damages and costs of the suit, including a reasonable  
80 attorney's fee.

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

83 Notice of any such redetermination shall be promptly given to the parties entitled to notice of the  
84 original determination, in the manner prescribed in this chapter with respect to notice of an original  
85 determination. If the amount of benefits would be increased upon such redetermination an appeal  
86 therefrom solely with respect to the matters involved in such increase may be filed in the manner and  
87 subject to the limitations provided in sections 39 to 40, inclusive. If the amount of benefits would be  
88 decreased upon such redetermination, the matters involved in such decrease shall be subject to review  
89 in connection with an appeal by the claimant thereon or from any determination upon a subsequent  
90 claim for benefits which may be affected in amount or duration by such redetermination. Any proposed  
91 decrease or increase of the amount of benefits based upon such a redetermination shall not take effect  
92 if any party seeks timely review in accordance with section 39(b). Subject to the same limitations and  
93 for the same reasons, the commissioner may reconsider the determination in any case in which a  
94 decision has been rendered by the board of review or a court, and may apply to said board or such court  
95 which rendered such decision to revoke or modify such decision and the board of review or court may

96 affirm, modify or revoke such decision.

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