

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Pacheco

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 promote fairness in unemployment insurance for workers seeking part-time work.

PETITION OF:

NAME:

Marc R. Pacheco

DISTRICT/ADDRESS:

First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01089 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROMOTE FAIRNESS IN UNEMPLOYMENT INSURANCE FOR WORKERS SEEKING PART-TIME WORK.

*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. Subsection (w) of section 1 of chapter 151A of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after the word "quarter", the following words:--

3

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

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8 SECTION 2. Section 24 of chapter 151A, as so appearing, is hereby amended by inserting after
9 subsection (c) the following new subsection:--

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11 “(d) An individual who seeks part-time work shall be considered available for work provided
12 that the individual restricts his or her work search to part-time work for good cause. No individual who
13 is otherwise eligible for benefits shall be considered ineligible solely because the individual seeks part-
14 time work. For the purposes of this subsection, the term "part-time work" shall mean work of at least
15 fourteen hours a week and at less than the full-time work schedule customary for the individual's
16 occupation.

17 The deputy director shall promulgate regulations that define good cause for restricting work
18 search in the benefit year to part-time work and said definition shall include the necessity to reduce
19 hours of work due to child care or the care of sick or elderly family members.”

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21 SECTION 3. Paragraph (e) of section 25 of chapter 151A, as so appearing, is hereby amended by striking
22 out the following words, “and in each of said weeks has earned an amount equivalent to or in excess of
23 the individuals’ weekly benefit amount after the individual has left work,” and replacing it with the
24 following words:--

25

26 “and has earned an amount equivalent to or in excess of eight times the individual’s weekly benefit
27 amount after the individual has left work.”

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29 SECTION 4. Section 25 of Chapter 151A of the General Laws, as so appearing in the 2004 Official Edition,
30 is hereby amended in Subsection (e) by striking out the eighth paragraph and inserting in place thereof
31 the following two paragraphs:--

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33 “A temporary employee of a temporary help firm shall be deemed to have voluntarily quit employment
34 and may be denied unemployment benefits if the temporary employee does not contact the temporary
35 help firm for reassignment before filing for benefits. Failure to contact the temporary help firm shall not
36 be deemed a voluntary quitting unless the temporary help firm advised the temporary employee orally
37 and in writing on a contact obligation form prepared by the commissioner and in a language which the
38 temporary employee understands and signed by the temporary employee upon application for
39 employment of the obligation to contact the firm upon completion of an assignment and that the failure
40 to do so may result in the denial of unemployment benefits. A copy of this contact obligation form with
41 the temporary employee’s signature shall be provided to the temporary employee.

42 Within 90 days of the effective date of this act, the commissioner shall promulgate regulations to ensure
43 the compliance of providing a contact obligation form to employees by a temporary help firm upon
44 initial application and providing requirements necessary to determine if an employee returned for
45 reassignment as required under this section. Also within 90 days of the effective date of this act, the
46 commissioner shall also report such regulations and any further recommendations to the senate and
47 house chairs of the joint committee on labor and workforce development.”

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49 SECTION 5. Paragraph (b) of section 29 of chapter 151A, as so appearing, is hereby amended by adding
50 at the end thereof the following sentence:--

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

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55 SECTION 6. Subsection (c) of section 30 of chapter 151A of the General Laws, as appearing in the 2004
56 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the
57 following new paragraph:-

58 “If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further
59 industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a
60 second language training to realize sustainable employment, the total benefits which that individual
61 may receive shall be extended by up to 18 times the individual’s benefit rate, if the individual is
62 attending a retraining course approved by the commissioner, and if the training program shall be
63 completed within 2 years or within 3 years if the program includes a combination of adult basic
64 education, general equivalency diploma or English for speakers of a second language with vocational or
65 industrial training. These additional benefits shall be paid to the individual only when attending the
66 course and only if the individual has exhausted all rights to regular and extended benefits under this
67 chapter and has no rights to benefits or compensation under this chapter or under any other state
68 unemployment compensation law or under any federal law. This extension shall be available only to
69 individuals who have applied to the commissioner for training no later than the fifteenth week of a new
70 or continued claim, but the commissioner shall specify by regulation the circumstances in which the 15-
71 week application period shall be tolled, including, but not limited to, where staff of the division of
72 unemployment assistance, or its agents, have given the applicant misinformation that causes the
73 applicant to miss the 15-week deadline; the applicant is working with, or has attempted to initiate a
74 working relationship with, a one-stop career center for the purpose of securing a spot in a training
75 program, but has not yet been able to enroll in an appropriate program; the applicant needs to address
76 the physical, psychological and legal effects of domestic violence; and other good cause to be
77 determined by the commissioner. The claimant shall begin training in the first available appropriate
78 program for which funding is available and which is a reasonable distance from the claimant’s residence,
79 as determined by the commissioner, but the commissioner, in his discretion, may extend the period
80 once for not more than two weeks for any applicant whose initial application is denied. Any benefits
81 paid to an individual under this paragraph which would not be chargeable to the account of any
82 particular employer under section 14 shall be charged to the solvency account. An individual eligible to
83 receive a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974, 19 USC 2251-
84 2322, as amended, shall not be eligible to receive additional benefits under this section for any week in
85 which the individual receives this trade readjustment allowance. An individual eligible to receive

86 emergency unemployment compensation, under any federal law, shall not be eligible to receive
87 additional benefits under this section for any week in which the individual receives that compensation”