

HOUSE No. 1818

By Mr. Marzilli of Arlington, petition of Frank I. Smizik and others relative to increasing fairness for workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

PETITION OF:

Frank I. Smizik	Matthew C. Patrick
Benjamin Swan	David B. Sullivan
Denise Provost	Carl M. Sciortino, Jr.
William N. Brownsberger	Steven J. D'Amico
Peter V. Kocot	Kay Khan
Susan C. Fargo	Elizabeth A. Malia
J. James Marzilli, Jr.	Stephen Kulik

In the Year Two Thousand and Seven.

AN ACT TO INCREASE FAIRNESS FOR WORKERS.

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
2 General Laws, as appearing in the 2004 Official Edition, is hereby
3 amended by inserting after the word “quarter, the following
4 words:—
5 ; provided further, that if the individual has worked for 15 or more
6 weeks and such deeming renders the individual ineligible for unem-
7 ployment benefits, the amount shall be equal to one twenty-sixth of
8 the total wages.

1 SECTION 2. Section 24 of Chapter 151A, as so appearing, is
2 hereby amended by inserting after subsection (c) the following new
3 subsection:—
4 (d) An individual who seeks part-time work shall be considered
5 available for work provided that the individual restricts his or her
6 work search to part-time work for good cause. No individual who is

7 otherwise eligible for benefits shall be considered ineligible solely
8 because the individual seeks part-time work. For the purposes of this
9 subsection, the term “part-time work” shall mean work of at least
10 fourteen hours a week and at less than the full-time work schedule
11 customary for the individual’s occupation.

12 The deputy director shall promulgate regulations that define good
13 cause for restricting work search in the benefit year to part-time
14 work and said definition shall include the necessity to reduce hours
15 of work due to child care or the care of sick or elderly family mem-
16 bers.

1 SECTION 3. Paragraph (e) of Section 25 of Chapter 151A, as so
2 appearing, is hereby amended by striking out the following words,
3 “and in each of said weeks has earned an amount equivalent to or in
4 excess of the individuals’ weekly benefit amount after the individual
5 has left work,” and replacing it with the following words: — and has
6 earned an amount equivalent to or in excess of eight times the indi-
7 vidual’s weekly benefit amount after the individual has left work.

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

5 A temporary employee of a temporary help firm shall be deemed
6 to have voluntarily quit employment and may be denied unemploy-
7 ment benefits if the temporary employee does not contact the tempo-
8 rary help firm for reassignment before filing for benefits. Failure to
9 contact the temporary help firm shall not be deemed a voluntary
10 quitting unless the temporary help firm advised the temporary
11 employee orally and in writing on a contact obligation form prepared
12 by the commissioner and in a language which the temporary
13 employee understands and signed by the temporary employee upon
14 application for employment of the obligation to contact the firm
15 upon completion of an assignment and that the failure to do so may
16 result in the denial of unemployment benefits. A copy of this contact
17 obligation form with the temporary employee’s signature shall be
18 provided to the temporary employee.

19 Within 90 days of the effective date of this act, the commissioner
20 shall promulgate regulations to ensure the compliance of providing a

21 contact obligation form to employees by a temporary help firm upon
22 initial application and providing requirements necessary to deter-
23 mine if an employee returned for reassignment as required under this
24 section. Also within 90 days of the effective date of this act, the
25 commissioner shall also report such regulations and any further rec-
26 ommendations to the senate and house chairs of the joint committee
27 on labor and workforce development.

1 SECTION 5. Paragraph (b) of Section 29 of Chapter 151A, as so
2 appearing, is hereby amended by adding at the end thereof the
3 following sentence:—

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

1 SECTION 6. Subsection (c) of Section 30 of Chapter 151A of the
2 General Laws, as appearing in the 2004 Official Edition, is hereby
3 amended by striking out the first paragraph and inserting in place
4 thereof the following new paragraph:—

5 If in the opinion of the commissioner, it is necessary for an unem-
6 ployed individual to obtain further industrial, vocational, adult basic
7 education, general equivalency diploma or English for speakers of a
8 second language training to realize sustainable employment, the total
9 benefits which that individual may receive shall be extended by up
10 to 18 times the individual's benefit rate, if the individual is attending
11 a retraining course approved by the commissioner, and if the training
12 program shall be completed within 2 years or within 3 years if the
13 program includes a combination of adult basic education, general
14 equivalency diploma or English for speakers of a second language
15 with vocational or industrial training. These additional benefits shall
16 be paid to the individual only when attending the course and only if
17 the individual has exhausted all rights to regular and extended bene-
18 fits under this chapter and has no rights to benefits or compensation
19 under this chapter or under any other state unemployment compen-
20 sation law or under any federal law. This extension shall be available
21 only to individuals who have applied to the commissioner for
22 training no later than the fifteenth week of a new or continued claim,
23 but the commissioner shall specify by regulation the circumstances
24 in which the 15-week application period shall be tolled, including,

25 but not limited to, where staff of the division of unemployment
26 assistance, or its agents, have given the applicant misinformation
27 that causes the applicant to miss the 15-week deadline; the applicant
28 is working with, or has attempted to initiate a working relationship
29 with, a one-stop career center for the purpose of securing a spot in a
30 training program, but has not yet been able to enroll in an appro-
31 priate program; the applicant needs to address the physical, psycho-
32 logical and legal effects of domestic violence; and other good cause
33 to be determined by the commissioner. The claimant shall begin
34 training in the first available appropriate program for which funding
35 is available and which is a reasonable distance from the claimant's
36 residence, as determined by the commissioner, but the commis-
37 sioner, in his discretion, may extend the period once for not more
38 than two weeks for any applicant whose initial application is denied.
39 Any benefits paid to an individual under this paragraph which would
40 not be chargeable to the account of any particular employer under
41 section 14 shall be charged to the solvency account. An individual
42 eligible to receive a trade readjustment allowance under Chapter 2 of
43 Title II of the Trade Act of 1974, 19 USC 2251-2322, as amended,
44 shall not be eligible to receive additional benefits under this section
45 for any week in which the individual receives this trade readjustment
46 allowance. An individual eligible to receive emergency unemploy-
47 ment compensation, under any federal law, shall not be eligible to
48 receive additional benefits under this section for any week in which
49 the individual receives that compensation.