

# SENATE NO. 1089

## **AN ACT** 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  
2 the 2004 Official Edition, is hereby amended by inserting after the word “quarter”, the  
3 following words:--

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

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

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

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

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

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

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

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

37 Within 90 days of the effective date of this act, the commissioner shall promulgate regulations

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

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

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

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

51 “If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain  
52 further industrial, vocational, adult basic education, general equivalency diploma or English for  
53 speakers of a second language training to realize sustainable employment, the total benefits  
54 which that individual may receive shall be extended by up to 18 times the individual’s benefit  
55 rate, if the individual is attending a retraining course approved by the commissioner, and if the  
56 training program shall be completed within 2 years or within 3 years if the program includes a  
57 combination of adult basic education, general equivalency diploma or English for speakers of a  
58 second language with vocational or industrial training. These additional benefits shall be paid to  
59 the individual only when attending the course and only if the individual has exhausted all rights  
60 to regular and extended benefits under this chapter and has no rights to benefits or compensation

61 under this chapter or under any other state unemployment compensation law or under any  
62 federal law. This extension shall be available only to individuals who have applied to the  
63 commissioner for training no later than the fifteenth week of a new or continued claim, but the  
64 commissioner shall specify by regulation the circumstances in which the 15-week application  
65 period shall be tolled, including, but not limited to, where staff of the division of unemployment  
66 assistance, or its agents, have given the applicant misinformation that causes the applicant to  
67 miss the 15-week deadline; the applicant is working with, or has attempted to initiate a working  
68 relationship with, a one-stop career center for the purpose of securing a spot in a training  
69 program, but has not yet been able to enroll in an appropriate program; the applicant needs to  
70 address the physical, psychological and legal effects of domestic violence; and other good cause  
71 to be determined by the commissioner. The claimant shall begin training in the first available  
72 appropriate program for which funding is available and which is a reasonable distance from the  
73 claimant's residence, as determined by the commissioner, but the commissioner, in his  
74 discretion, may extend the period once for not more than two weeks for any applicant whose  
75 initial application is denied. Any benefits paid to an individual under this paragraph which  
76 would not be chargeable to the account of any particular employer under section 14 shall be  
77 charged to the solvency account. An individual eligible to receive a trade readjustment  
78 allowance under Chapter 2 of Title II of the Trade Act of 1974, 19 USC 2251-2322, as amended,  
79 shall not be eligible to receive additional benefits under this section for any week in which the  
80 individual receives this trade readjustment allowance. An individual eligible to receive  
81 emergency unemployment compensation, under any federal law, shall not be eligible to receive  
82 additional benefits under this section for any week in which the individual receives that  
83 compensation"

