SENATE DOCKET, NO. 526 FILED ON: 1/19/2011

SENATE . . . . . No. 949

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. 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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Marc R. Pacheco	
	☐ *[District]*
	☐

SENATE DOCKET, NO. 526 FILED ON: 1/19/2011

SENATE . . . . . No. 949

By Mr. Pacheco, petition (accompanied by bill, Senate, No. 949) of Pacheco for legislation to promote fairness in unemployment insurance for workers seeking part-time work [Joint Committee on Labor and Workforce Development].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *711* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

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

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

“(d) An individual who seeks part-time work shall be considered available for work provided that the individual restricts his or her work search to part-time work for good cause. No individual who is otherwise eligible for benefits shall be considered ineligible solely because the individual seeks part-time work. For the purposes of this subsection, the term "part-time work" shall mean work of at least fourteen hours a week and at less than the full-time work 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
19 amended 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
23 weekly benefit amount after the individual has left work."

24 SECTION 4. Section 25 of Chapter 15lA of the General Laws, as so appearing in the
25 2004 Official Edition, is hereby amended in Subsection (e) by striking out the eighth paragraph
26 and inserting in place thereof the following two paragraphs:--

27 "A temporary employee of a temporary help firm shall be deemed to have voluntarily
28 quit 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
38 regulations to ensure the compliance of providing a contact obligation form to employees by a
39 temporary help firm upon initial application and providing requirements necessary to determine
40 if an employee returned for reassignment as required under this section. Also within 90 days of
41 the 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
45 amended 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
49 appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and
50 inserting in place thereof the following new paragraph:-

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