HOUSE DOCKET, NO. 1053 FILED ON: 1/19/2011

HOUSE . . . . . No. 1410

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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 modernizing and protecting the unemployment insurance system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	*13th Suffolk*
Cheryl A. Coakley-Rivera	*10th Hampden*
Sean Curran	*9th Hampden*
Christopher N. Speranzo	*3rd Berkshire*
James J. Dwyer	*30th Middlesex*
Nick Collins	*4th Suffolk*
James J. O'Day	*14th Worcester*
Sean Garballey	*23rd Middlesex*
Joyce A. Spiliotis	*12th Essex*
Denise Provost	*27th Middlesex*
Carlo Basile	*1st Suffolk*
Angelo J. Puppolo, Jr.	*12th Hampden*

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HOUSE . . . . . No. 1410

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 1410) of Martin J. Walsh and others relative to unemployment insurance. Labor and Workforce Development.

The Commonwealth of Massachusetts

An Act 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:

SECTION 1. Section 1(w) of chapter 151A of the General Laws is hereby amended by inserting after the word "quarter" in the first sentence, 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 14(a) of said chapter 151A is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

"Unemployment insurance taxable wage base", with respect to calendar years beginning on or after January 1, 2013, the term "unemployment insurance taxable wage base" shall mean not less than $20,900 and shall be adjusted yearly thereafter in an amount that represents the percentage increase in the maximum weekly benefit amount as determined in section 29(a).)

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

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

SECTION 4. Said section 25(e) of said chapter 151A is hereby further amended by striking out the eighth and ninth paragraphs.

SECTION 5. Section 29(b) of said chapter 151A is hereby amended by adding at the end thereof the following sentence:--

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

24 SECTION 6. Section 47 of said chapter 151A is hereby amended by inserting after the
25 fourth paragraph the following paragraph:-

26 The receipt of any notice of termination of employment or of any substantial alteration in
27 the terms of employment within six months after an employee has provided evidence in
28 connection with a claim for benefits under this chapter, or has testified at any hearing conducted
29 under any provision of this chapter, shall create a rebuttable presumption that such notice or
30 other action is a reprisal against the employee for providing evidence. Such presumption shall be
31 rebutted only by clear and convincing evidence that such employer's action was not a reprisal
32 against the employee and that the employer had sufficient independent justification for taking
33 such action, and would have in fact taken such action, in the same manner and at the same time
34 the action was taken, regardless of the employee's providing evidence in connection with a claim
35 for benefit under this chapter. An employing unit found to have threatened, coerced or taken
36 reprisal against any employee pursuant to this paragraph shall rescind any adverse alteration in
37 the terms of employment for such employee and shall offer reinstatement to any terminated
38 employee and shall also be liable for damages and costs of the suit, including a reasonable
39 attorney's fee.

40 SECTION 7. Section 71 of said chapter 151A, as so appearing, is hereby amended by
41 striking out the second paragraph and inserting in place thereof the following paragraph:-

42 Notice of any such redetermination shall be promptly given to the parties entitled to
43 notice of the original determination, in the manner prescribed in this chapter with respect to
44 notice of an original determination. If the amount of benefits would be increased upon such
45 redetermination an appeal therefrom solely with respect to the matters involved in such increase
46 may be filed in the manner and subject to the limitations provided in sections 39 to 40, inclusive.
47 If the amount of benefits would be decreased upon such redetermination, the matters involved in
48 such decrease shall be subject to review in connection with an appeal by the claimant thereon or
49 from any determination upon a subsequent claim for benefits which may be affected in amount
50 or duration by such redetermination. Any proposed decrease or increase of the amount of
51 benefits based upon such a redetermination shall not take effect if any party seeks timely review
52 in accordance with section 39(b). Subject to the same limitations and for the same reasons, the
53 commissioner may reconsider the determination in any case in which a decision has been
54 rendered by the board of review or a court, and may apply to said board or such court which
55 rendered such decision to revoke or modify such decision and the board of review or court may
56 affirm, modify or revoke such decision.

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