

SENATE No. 711

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 bill:

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

PETITION OF:

NAME:

Marc R. Pacheco

Kenneth J. Donnelly

DISTRICT/ADDRESS:

First Plymouth and Bristol

Fourth Middlesex

[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
2 appearing in the 2004 Official Edition, is hereby amended by inserting after the word “quarter”,
3 the 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
8 inserting after 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. No
11 individual who is otherwise eligible for benefits shall be considered ineligible solely because the

12 individual seeks part-time work. For the purposes of this subsection, the term "part-time work"
13 shall mean work of at least fourteen hours a week and at less than the full-time work schedule
14 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 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
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 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 to
38 ensure the compliance of providing a contact obligation form to employees by a temporary help
39 firm upon initial application and providing requirements necessary to determine if an employee
40 returned for reassignment as required under this section. Also within 90 days of the effective
41 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 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 federal
62 law. This extension shall be available only to individuals who have applied to the commissioner
63 for training no later than the fifteenth week of a new or continued claim, but the commissioner
64 shall specify by regulation the circumstances in which the 15-week application period shall be
65 tolled, including, but not limited to, where staff of the division of unemployment assistance, or
66 its agents, have given the applicant misinformation that causes the applicant to miss the 15-week
67 deadline; the applicant is working with, or has attempted to initiate a working relationship with, a
68 one-stop career center for the purpose of securing a spot in a training program, but has not yet
69 been able to enroll in an appropriate program; the applicant needs to address the physical,
70 psychological and legal effects of domestic violence; and other good cause to be determined by
71 the commissioner. The claimant shall begin training in the first available appropriate program for
72 which funding is available and which is a reasonable distance from the claimant's residence, as
73 determined by the commissioner, but the commissioner, in his discretion, may extend the period
74 once for not more than two weeks for any applicant whose initial application is denied. Any
75 benefits paid to an individual under this paragraph which would not be chargeable to the account
76 of any particular employer under section 14 shall be charged to the solvency account. An
77 individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the
78 Trade Act of 1974, 19 USC 2251-2322, as amended, shall not be eligible to receive additional

79 benefits under this section for any week in which the individual receives this trade readjustment
80 allowance. An individual eligible to receive emergency unemployment compensation, under any
81 federal law, shall not be eligible to receive additional benefits under this section for any week in
82 which the individual receives that compensation”