

**SENATE . . . . . No. 2123**

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**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Fourteen**  
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SENATE, Thursday, May 1, 2014

The committee on Ways and Means, to whom was referred the House Bill relative to workforce reform (House, No. 4026), reports, in part, a “Bill restoring the minimum wage and providing unemployment insurance reforms” (Senate, No. 2123).

For the committee,  
Stephen M. Brewer

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In the Year Two Thousand Fourteen  
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An Act restoring the minimum wage and providing unemployment insurance reforms.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to strengthen forthwith the laws relative to labor and workforce development in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Paragraph (2) of subsection (c) of section 189 of chapter 149 of the General  
2 Laws, as added by section 109 of chapter 38 of the acts of 2013, is hereby amended by striking  
3 out the words “have the same meaning as the term "unemployment insurance taxable wage base”  
4 as defined in paragraph (4) of subsection (a) of section 14 of chapter 151A” and inserting in  
5 place thereof the following words:- mean \$14,000.

6           SECTION 2. Section 1 of chapter 151 of the General Laws, as appearing in the 2012  
7 Official Edition, is hereby amended by striking out, in line 5, the figure “8.00” and inserting in  
8 place thereof the following figure:- 9.00.

9           SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking out  
10 the figure “9.00”, inserted by section 2, and inserting in place thereof the following figure:-  
11 10.00.

12 SECTION 4. Said section 1 of said chapter 151 is hereby further amended by striking out  
13 the figure “10.00”, inserted by section 3, and inserting in place thereof the following figure:-  
14 11.00.

15 SECTION 5. Said section 1 of said chapter 151, as appearing in the 2012 Official  
16 Edition, is hereby further amended by inserting after the second sentence the following 2  
17 sentences:- The minimum wage rate shall be increased annually by the percentage increase, if  
18 any, of the consumer price index as calculated for the northeast region for all urban consumers,  
19 as published by the Bureau of Labor Statistics of the United States Department of Labor, for the  
20 previous 12 month period and rounded up to the nearest 5 cents. The adjusted minimum wage  
21 shall be calculated, announced and posted on the department’s website by the commissioner by  
22 April 1 of each year and shall become effective as the new minimum wage on January 1 of each  
23 year.

24 SECTION 6. Said section 1 of said chapter 151, as so appearing, is hereby further  
25 amended by striking out, in line 12, the figure “.10” and inserting in place thereof the following  
26 figure:- .50.

27 SECTION 7. Section 7 of said chapter 151, as so appearing, is hereby amended by  
28 striking out, in lines 30 and 31, the words “the cash wage required to be paid such an employee  
29 on July 1, 1999” and inserting in place thereof the following words:- 50 per cent of the minimum  
30 wage, established under section 1.

31 SECTION 8. Paragraph (2) of subsection (r) of section 1 of chapter 151A of the General  
32 Laws, as so appearing, is hereby amended by adding the following sentence:- Notwithstanding  
33 any general or special law to the contrary, an individual employed as a crewmember on a

34 commercial fishing vessel shall be deemed to be in total unemployment during any period of  
35 general closing of the individual's employer's fishing vessel due to the employer's inability to  
36 conduct fishing operations as a result of federal fisheries management restrictions and the  
37 individual performs no wage-earning services whatsoever, and for which he receives no  
38 remuneration during those periods of general closing of the individual's employer's fishing  
39 vessel.

40 SECTION 9. Said section 1 of said chapter 151A, as so appearing, is hereby amended by  
41 striking out, in lines 327 and 338, the word "sixteen" and inserting in place thereof, in each  
42 instance, the following figure:- 20.

43 SECTION 10. Section 14 of said chapter 151A, as so appearing, is hereby amended by  
44 striking out, in lines 39 and 51, the word "twelve" and inserting in place thereof, in each  
45 instance, the following figure:- 36.

46 SECTION 11. Said section 14 of said chapter 151A, as so appearing, is hereby further  
47 amended by striking out, in line 56, the words "calendar year" and inserting in place thereof the  
48 following words:- 36 consecutive months.

49 SECTION 12. Subsection (a) of said section 14 of said chapter 151A, as so appearing, is  
50 hereby amended by striking out paragraph (4) and inserting in place thereof the following  
51 paragraph:-

52 (4) "Unemployment insurance taxable wage base", with respect to calendar years  
53 beginning on or after January 1, 2015, the term "unemployment insurance taxable wage base"  
54 shall mean \$21,000.

55 SECTION 13. Said section 14 of said chapter 151A, as so appearing, is hereby further  
 56 amended by striking out, in lines 68 and 228, the word “twelve” and inserting in place thereof, in  
 57 each instance, the following figure:- 36.

58 SECTION 14. Said section 14 of said chapter 151A, as so appearing, is hereby further  
 59 amended by striking out, in line 167, the words “twelve-months” and inserting in place thereof  
 60 the following words:- 36 consecutive month.

61 SECTION 15. Paragraph (1) of subsection (i) of said section 14 of said chapter 151A, as  
 62 so appearing, is hereby amended by striking out, in lines 187 and 188, the date “January 1, 2004”  
 63 and inserting in place thereof the following date:- January 1, 2015.

64 SECTION 16. Said paragraph (1) of said subsection (i) of said section 14 of said chapter  
 65 151A, as so appearing, is hereby further amended by striking out the table and inserting in place  
 66 thereof the following table:-

**EXPERIENCE RATE TABLE**

	<b>UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE</b>						
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
	<b>1.65% and over</b>	<b>1.5% or more but less than 1.65%</b>	<b>1.2% or more but less than 1.5%</b>	<b>0.9% or more but less than 1.2%</b>	<b>0.6% or more but less than 0.9%</b>	<b>0.3% or more but less than 0.6%</b>	<b>less than 0.3%</b>
<b>Employer Account Reserve Percentage</b>							
POS % 17 or more	0.56	0.64	0.73	0.83	0.94	1.07	1.21
16.0	0.64	0.73	0.83	0.95	1.08	1.22	1.39
15.0	0.73	0.83	0.94	1.07	1.21	1.38	1.57
14.0	0.81	0.92	1.04	1.18	1.34	1.53	1.73
13.5	0.97	1.10	1.25	1.42	1.61	1.83	2.08
13.0	1.05	1.19	1.35	1.54	1.75	1.99	2.26

12.5	1.13	1.28	1.46	1.66	1.89	2.14	2.43
12.0	1.21	1.37	1.56	1.77	2.01	2.29	2.60
11.5	1.29	1.47	1.67	1.89	2.15	2.45	2.78
11.0	1.37	1.56	1.77	2.01	2.29	2.6	2.96
10.5	1.45	1.65	1.87	2.13	2.42	2.75	3.12
10.0	1.53	1.74	1.98	2.25	2.56	2.91	3.3
9.5	1.61	1.83	2.08	2.36	2.69	3.05	3.47
9.0	1.7	1.93	2.19	2.49	2.82	3.21	3.65
8.5	1.78	2.02	2.29	2.61	2.96	3.37	3.82
8.0	1.85	2.10	2.39	2.72	3.09	3.51	3.99
7.5	1.94	2.20	2.5	2.84	3.23	3.67	4.17
7.0	2.02	2.30	2.61	2.96	3.37	3.82	4.35
6.5	2.09	2.38	2.71	3.08	3.50	3.97	4.51
6.0	2.17	2.47	2.81	3.20	3.63	4.13	4.69
5.5	2.25	2.56	2.91	3.31	3.76	4.28	4.86
5.0	2.34	2.66	3.02	3.43	3.90	4.43	5.04
4.5	2.42	2.75	3.13	3.55	4.04	4.59	5.21
4.0	2.50	2.84	3.23	3.67	4.17	4.74	5.38
3.5	2.58	2.93	3.33	3.79	4.30	4.89	5.56
3.0	2.67	3.03	3.44	3.91	4.44	5.05	5.74
2.5	2.75	3.12	3.54	4.02	4.57	5.20	5.90
2.0	2.82	3.21	3.65	4.14	4.71	5.35	6.08
1.5	2.9	3.3	3.75	4.26	4.84	5.50	6.25
1.0	2.98	3.39	3.85	4.38	4.98	5.65	6.43
0.5	3.06	3.48	3.96	4.5	5.11	5.81	6.60
0.0	3.14	3.57	4.06	4.61	5.24	5.96	6.77
NEG % 0.0 or less	4.22	4.79	5.45	6.19	7.03	7.99	9.08
-1.0	4.58	5.21	5.92	6.72	7.64	8.68	9.86
-3.0	4.95	5.63	6.39	7.27	8.26	9.38	10.66
-5.0	5.32	6.04	6.86	7.8	8.86	10.07	11.44
-7.0	5.68	6.46	7.34	8.34	9.48	10.77	12.23
-9.0	6.05	6.87	7.81	8.88	10.09	11.46	13.02
-11.0	6.42	7.29	8.29	9.42	10.70	12.16	13.81
-13.0	6.78	7.71	8.76	9.95	11.31	12.85	14.6
-15.0	7.15	8.13	9.24	10.49	11.93	13.55	15.39
-17.0	7.52	8.54	9.71	11.03	12.53	14.24	16.18
-19.0	7.88	8.96	10.18	11.57	13.15	14.94	16.97
-21.0	8.25	9.37	10.65	12.11	13.76	15.63	17.76
-23.0 or less	8.62	9.79	11.13	12.65	14.37	16.33	18.55

67 SECTION 17. Said section 14 of said chapter 151A, as so appearing, is hereby further  
68 amended by striking out, in lines 197 and 198, the words "but less than 11.0 positive".

69 SECTION 18. Said section 14 of said chapter 151A, as so appearing, is hereby further  
70 amended by striking out, in line 217, the words "but less than 0.5".

71 SECTION 19. Said section 14 of said chapter 151A, as so appearing, is hereby further  
72 amended by inserting after the word "unit", in line 282, the following words:- and the transferee  
73 continues such organization, trade or business.

74 SECTION 20. Section 14L of said chapter 151A, as so appearing, is hereby amended by  
75 striking out, in line 4, the figure "0.075" and inserting in place thereof the following figure:-  
76 0.05.

77 SECTION 21. Said section 14L of said chapter 151A, as so appearing, is hereby further  
78 amended by striking out, in line 9, the figure "\$18,000,000" and inserting in place thereof the  
79 following figure:- \$22,000,000.

80 SECTION 22. Said chapter 151A is hereby further amended by inserting after section  
81 14P the following section:-

82 Section 14Q. The commissioner may enter into an agreement with the United States  
83 Department of the Treasury, under 26 U.S.C. § 6402 (f) and 31 CFR § 285.8, to transmit valid,  
84 unpaid and overdue unemployment compensation debts, which are owed to the commonwealth,  
85 to the United States Department of the Treasury for collection under the Treasury's offset  
86 program. If the commissioner chooses to participate in the Treasury's offset program to recover  
87 unemployment compensation debt, the commissioner shall adhere to all rules, policies and

88 guidance as required by the United States Department of the Treasury and the United States  
89 Department of Labor in implementing and administering the program. The commissioner may  
90 promulgate regulations as needed to implement this section.

91 SECTION 23. Section 15 of said chapter 151A, as appearing in the 2012 Official Edition,  
92 is hereby amended by adding the following subsection:-

93 (f) If an assessment or any administrative decision upon review thereof has become final  
94 and the contributions, payments in lieu of contributions, interest or penalties thereby assessed  
95 remain unpaid, the commissioner may refer the unpaid and overdue amount to the United States  
96 Department of the Treasury for collection, under 26 U.S.C. § 6402, the Treasury's offset  
97 program; provided, that all procedures for notice and opportunity to present evidence as required  
98 by 31 CFR § 285.8 have been followed.

99 SECTION 24. Subsection (b) of section 19A of said chapter 151A, as so appearing, is  
100 hereby amended by adding the following sentence:-

101 An agency or instrumentality of the commonwealth shall not enter into, renew or extend  
102 a contract or agreement with any employer to provide goods, services or physical space that has  
103 a maximum obligation or value greater than \$5,000 to such agency or instrumentality or  
104 authorize any tax credit under chapters 62 and 63 in excess of \$5,000 unless the employer has  
105 submitted a certificate of compliance issued by the department showing that it is current in all its  
106 obligations relating to contributions, payments in lieu of contributions and the employer medical  
107 assistance contribution established in section 189 of chapter 149.

108 SECTION 25. Section 24A of said chapter 151A, as so appearing, is hereby amended by  
109 striking out, in line 25, the word “sixteen” and inserting in place thereof the following figure:-  
110 20.

111 SECTION 26. Section 25 of said chapter 151A, as so appearing, is hereby amended by  
112 striking out, in lines 112 to 114, inclusive, the words “and in each of said weeks has earned an  
113 amount equivalent to or in excess of the individual’s weekly benefit amount after the individual  
114 has left work” and inserting in place thereof the following words:- and has earned an amount  
115 equivalent to or in excess of 8 times the individual’s weekly benefit amount after the individual  
116 has left work.

117 SECTION 27. Subsection (e) of said section 25 of said chapter 151A, as so appearing, is  
118 hereby amended by inserting after the fourth paragraph the following paragraph:-  
119 Notwithstanding any general or special law to the contrary, no disqualification shall be imposed  
120 if an individual establishes to the satisfaction of the commissioner that the individual is  
121 employed as a crewmember of a commercial fishing vessel and is unable to work for a period of  
122 time due to the general closing of the individual's employer’s fishing vessel for that period of  
123 time as a result of the employer’s inability to conduct fishing operations because of federal  
124 fisheries management restrictions.

125 SECTION 28. Said chapter 151A is hereby further amended by inserting after section  
126 28A the following section:-

127 Section 28B. For the purposes of this section the term “person of influence” shall mean a  
128 corporate officer, partner or owner of an employing unit, a person who has more than a 5 per

129 cent equitable or debt interest in an employing unit or an immediate family member of such  
130 individuals.

131 If an employee, who is a person of influence, receives an unemployment benefit under  
132 this chapter and during the same benefit year resumes or returns to work for the same employing  
133 unit, then there shall be a rebuttable presumption that the employee's unemployment was due to  
134 circumstances within the employee's control and all benefits paid to the employee during the  
135 benefit year shall be considered an overpayment, which the employee shall repay.

136 SECTION 29. Subsection (b) of section 29 of said chapter 151A, as appearing in the  
137 2012 Official Edition, is hereby amended by adding the following sentence:-

138 Nothing in this subsection shall cause a full denial of benefits solely because an  
139 individual left a part time job, which supplemented primary full-time employment, during the  
140 individual's base period prior to being deemed in partial unemployment.

141 SECTION 30. The second paragraph of subsection (a) of section 38 of said chapter  
142 151A, as so appearing, is hereby amended by inserting after the third sentence the following  
143 sentence:- If an employer responds within 10 days after such notice was mailed, the  
144 commissioner shall have a final determination of the matter within 30 days, unless good cause  
145 exists, in which case the commissioner shall send written notice to both the claimant and the  
146 employer that good cause exists for the matter not to be decided within 30 days; provided,  
147 however, that said written notice shall explain such good cause.

148 SECTION 31. Subsection (a) of section 39 of said chapter 151A, as so appearing, is  
149 hereby amended by striking out the second sentence and inserting in place thereof the following  
150 sentence:- The commissioner shall give notice of such determination, together with the reasons

151 for such determination, to the claimant within 30 days of filing the claim, unless good cause  
152 exists, in which case the commissioner shall send written notice to both the claimant and the  
153 employer explaining such good cause.

154 SECTION 32. Said chapter 151A is hereby further amended by inserting after section  
155 47A the following section:-

156 Section 47B. (a) No employer shall discharge, discipline, penalize or in any manner  
157 discriminate against any employee because: (i) the employee has filed a claim or instituted or  
158 caused to be instituted a proceeding alleging unemployment fraud by the employer; (ii) the  
159 employee has testified or is about to testify in any such proceeding alleging unemployment fraud  
160 by the employer; or (iii) the employee exercised a right in a matter alleging unemployment fraud,  
161 regardless of whether the right was exercised for the employee's benefit or the benefit of a third  
162 party.

163 (b) Any employee or former employee aggrieved by a violation of this section may,  
164 within 2 years, institute a civil action in the superior court. Each party to the action shall be  
165 entitled to a jury trial. In addition to any legal or equitable relief provided herein, all remedies  
166 available in common law tort actions shall be available to prevailing plaintiffs. The court may: (i)  
167 issue a temporary restraining order or preliminary or permanent injunction to restrain a continued  
168 violation of this section; (ii) reinstate the employee to the same position held before the  
169 retaliatory action or to an equivalent position; (iii) reinstate full fringe benefits to the employee;  
170 (iv) compensate the employee for 3 times the lost wages, benefits and other remuneration and  
171 interest thereon; and (v) order payment by the employer of reasonable costs and attorneys' fees.

172 (c) (1) In an action brought by an employee under subsection (b), if the court finds  
173 the action was without basis in law or in fact, the court may award reasonable attorneys' fees and  
174 court costs to the employer.

175 (2) An employee shall not be assessed attorneys' fees under paragraph (1) if, after  
176 exercising reasonable and diligent efforts after filing a suit, the employee moves to dismiss the  
177 action against the employer, or files a notice agreeing to a voluntary dismissal, within a  
178 reasonable time after determining that the employer would not be found liable for damages.

179 (d) Nothing in this section shall be deemed to diminish the rights, privileges or remedies  
180 of any employee under any other federal or state law or regulation, or under any collective  
181 bargaining agreement or employment contract; except that the institution of a private action in  
182 accordance with subsection (b) shall be deemed a waiver by the plaintiff of the rights and  
183 remedies available to the employee, for the actions of the employer, under any other contract,  
184 collective bargaining agreement, state law, rule or regulation or under common law.

185 SECTION 33. Subsection (a) of section 62A of said chapter 151A, as appearing in the  
186 2012 Official Edition, is hereby amended by adding the following paragraph:-

187 The department shall conduct not less than 1 public hearing each year to seek the input of  
188 employers in the commonwealth. The hearing shall be held at a time and location designated to  
189 maximize employer participation. Not fewer than 20 days prior to a public hearing the  
190 commissioner shall conspicuously post notice of the time and location of the hearing on the  
191 official website of the department and send notice, electronically or otherwise, to: members of  
192 the general court; every employer with an account with the department; the Massachusetts  
193 Chamber of Commerce, Inc., the Greater Boston Chamber of Commerce; the Massachusetts

194 Taxpayers Association, Associated Industries of Massachusetts, Inc.; and the National  
195 Federation of Independent Business.

196 SECTION 34. Section 69B of said chapter 151A, as so appearing, is hereby amended by  
197 adding the following paragraph:- In addition to any other remedy provided by this chapter, the  
198 commissioner may request that the amount payable to the department by an individual, which is  
199 the result of an overpayment of unemployment benefits, be recouped under the United States  
200 Department of the Treasury's offset program in accordance with section 14Q; provided, that said  
201 decision has become final under 430 CMR 6.12.

202 SECTION 35. Section 71 of said chapter 151A, as so appearing, is hereby amended by  
203 striking out the second paragraph and inserting in place thereof the following paragraph:-

204 Notice of any such redetermination shall be promptly given to the parties entitled to  
205 notice of the original determination, in the manner prescribed in this chapter with respect to  
206 notice of an original determination. If the amount of benefits would be increased upon such  
207 redetermination an appeal therefrom solely with respect to the matters involved in such increase  
208 may be filed in the manner and subject to the limitations provided in sections 39 to 40, inclusive.  
209 If the amount of benefits would be decreased upon such redetermination, the matters involved in  
210 such decrease shall be subject to review in connection with an appeal by the claimant thereon or  
211 from any determination upon a subsequent claim for benefits which may be affected in amount  
212 or duration by such redetermination. Any proposed decrease or increase of the amount of  
213 benefits based upon such a redetermination shall not take effect if any party seeks timely review  
214 under subsection (b) of section 39. Subject to the same limitations and for the same reasons, the  
215 commissioner may reconsider the determination in any case in which a decision has been

216 rendered by the board of review or a court, and may apply to said board or such court which  
217 rendered such decision to revoke or modify such decision and the board of review or court may  
218 affirm, modify or revoke such decision.

219 SECTION 36. Notwithstanding section 14 of chapter 151A of the General Laws, for  
220 calendar year 2015, the experience rate of an employer qualifying under subsection (b) of said  
221 section 14 of said chapter 151A shall be the rate in column "C" in paragraph (1) of subsection (i)  
222 of said section 14 of said chapter 151A.

223 SECTION 37. Notwithstanding section 14 of chapter 151A of the General Laws, for  
224 calendar year 2016, the experience rate of an employer qualifying under subsection (b) of said  
225 section 14 of said chapter 151A shall be the rate which appears in column "A" of paragraph (1)  
226 of subsection (i) of said section 14 of said chapter 151A; provided however, if the rate appearing  
227 in said column "A" is projected to result in a balance in the Unemployment Compensation Fund  
228 of less than \$250,000,000, or greater as needed to ensure the minimum solvency of the  
229 Unemployment Compensation Fund, at the end of calendar year 2016, then the secretary of labor  
230 and workforce development shall submit a report to the clerks of the house of representatives and  
231 senate, the house and senate chairs of the joint committee on labor and workforce development  
232 and the house and senate chairs of the committees on ways and means, not later than December  
233 31, 2015, with recommendations on the necessary rate change according to the rates set under  
234 said paragraph (1) of said subsection (i) of said section 14 of said chapter 151A to maintain an  
235 end of calendar year 2016 balance of \$250,000,000, or greater as needed to ensure the minimum  
236 solvency of the Unemployment Compensation Fund; provided, further that said recommended  
237 rate change shall not exceed the rate set forth in column "C" of said paragraph (1) of said  
238 subsection (i) of said section 14 of said chapter 151A.

239 SECTION 38. Notwithstanding section 14 of chapter 151A of the General Laws, for  
240 calendar year 2017, the experience rate of an employer qualifying under subsection (b) of said  
241 section 14 of said chapter 151A shall be the rate in column “C” in paragraph (1) of subsection (i)  
242 of said section 14 of said chapter 151A.

243 SECTION 39. The department of unemployment assistance shall investigate the  
244 feasibility of and design a pilot program to provide skills training internships with employers in  
245 the commonwealth for residents who are unemployed and are receiving unemployment insurance  
246 benefits under chapter 151A of the General Laws.

247 The department shall file a report with the clerks of the senate and house of  
248 representatives, not later than January 2, 2015, which: (i) reviews existing federal and state laws,  
249 regulations and policies governing eligibility for unemployment insurance, unpaid internships,  
250 wages and hours and workers’ compensation insurance; (ii) develops a pilot program, which  
251 complies with applicable laws and regulations; (iii) outlines eligibility requirements for persons  
252 and businesses to participate in the pilot program; (iv) investigates procedures to ensure that  
253 interns do not displace or adversely affect the wages, hours or other benefits held by existing  
254 employees; (v) recommends specific industries or businesses in the commonwealth for  
255 participation in the pilot program; (vi) examines methods or incentives to encourage  
256 participation in the pilot program; (vii) considers benchmarks and reporting standards to  
257 measure successful outcomes; and (viii) explores any other measures it deems necessary for a  
258 skills training internship pilot program, including the cost of implementation.

259 SECTION 40. (a) There shall be a special commission to conduct an investigation and  
260 study of the activities and efficacy of the adjudication of unemployment insurance claims by the

261 department of unemployment assistance. The commission shall consist of the following 11  
262 members: 2 members appointed by the state auditor, both of whom shall have experience with  
263 the adjudication of unemployment disputes and 1 of whom shall serve as the chair; the house and  
264 senate chairs of the joint committee on labor and workforce development; 1 member of the  
265 senate or their designee, who shall be appointed by the minority leader of the senate; 1 member  
266 of the house of representatives or their designee, who shall be appointed by the minority leader  
267 of the house of representatives; the director of the department of unemployment assistance, or a  
268 designee; the president of the Massachusetts Taxpayer's Foundation, or a designee; the executive  
269 vice-president of the Massachusetts AFL-CIO, or a designee; an executive vice-president of  
270 Associated Industries of Massachusetts, or a designee; and the executive director of the  
271 Massachusetts Municipal Association, or a designee.

272 (b) The study shall include, but shall not be limited to: (1) the number of claims received  
273 by the department of unemployment assistance quarterly since January 1, 2010 and the resulting  
274 status of each claim, including, but not be limited to (i) the results of any initial determination  
275 about the claim, (ii) the results of any appeal from the initial determination, (iii) the number of  
276 rulings reversed through the appeals and review process, (iv) the number of claims arising under  
277 clauses (1) and (2) of subsection (e) of section 25 of chapter 151A of the General Laws and (v)  
278 the number of claims settled in favor of the claimant and in favor of the employer;

279 (2) the average length of time of the appeal and review process from initial determination  
280 to final disposition;

281 (3) the procedures used by the department to hire and train new employees who  
282 implement sections 39 through 41, inclusive, of said chapter 151A, including a determination as

283 to whether or not employment procedures, under section 9K of chapter 23 of the General Laws,  
284 have been followed; and

285 (4) recommendations of the commission relative to: (i) procedures through which the  
286 department may produce a quarterly report of the number of active claims and the status of said  
287 claims to be posted on the department's website; (ii) procedures through which any current  
288 backlog of cases may be fairly and efficiently resolved and avoided in future department  
289 proceedings; (iii) procedures through which oversight and quality control principles may be  
290 implemented to ensure the continuing prompt, equitable and transparent application of current  
291 law by the commissioner and the board of review; (iv) a complete review of the current statutes  
292 and regulations relative to the implementation of chapter 151A of the General Laws and any  
293 recommendations as to possible legislative reforms and streamlined procedures, including, but  
294 not limited to, recommendations and procedures for the uniform and effective implementation of  
295 section 25 of said chapter 151A.

296 (c) The commission may request from all state agencies such information and assistance  
297 as the commission may require. The commission shall report the results of its investigation and  
298 study, together with drafts of legislation, if any, necessary to carry out its recommendations, by  
299 filing the same with the clerks of the senate and house of representatives, who shall forward the  
300 same to the joint committee on labor and workforce development and the house and senate  
301 committees on ways and means on or before December 31, 2014. The report shall be made  
302 available to the public on the general court's website.

303 SECTION 41. There shall be a special commission created to conduct an investigation  
304 and a study on the impact of unemployment on: (i) unemployment claimants who are over the  
305 age of 40; (ii) unemployment claimants experiencing long-term unemployment; and (iii)

306 unemployment claimants over the age of 40 experiencing long-term unemployment. For the  
307 purposes of this section, the term “long-term unemployment” shall mean unemployment lasting  
308 longer than 27 weeks.

309         The commission shall consist of 15 members: the house and senate chairs of the joint  
310 committee on economic development and emerging technologies, who shall serve as co-chairs of  
311 the commission; the house and senate chairs of the joint committee on labor and workforce  
312 development; the secretary of labor and workforce development or a designee; the secretary of  
313 housing and economic development or a designee; the secretary of elder affairs or a designee; a  
314 representative of the federal reserve bank of Boston; the attorney general or a designee; a  
315 representative of Operation A.B.L.E. of Greater Boston; a representative of the Massachusetts  
316 Association of Chamber of Commerce Executives; 1 member who shall be appointed by the  
317 governor who shall be a health care expert with a specialty in gerontology; a representative from  
318 the National Association of Elder Law Attorneys or a designee; and 2 members associated with  
319 universities, each of whom shall have expertise in economics and employment and 1 of whom  
320 shall be appointed by the minority leader of the senate and 1 of whom shall be appointed by the  
321 minority leader of the house of representatives. The commission shall consult with a  
322 representative of a regional employment board for each county of the commonwealth, a  
323 representative of the AARP, the United States department of labor, employment and training  
324 division and the Sloan Center on Aging and Work at Boston College.

325         The study shall include, but not be limited to: (i) the economic and social cost of older,  
326 long-term unemployed or both older and long-term unemployed workers; (ii) an analysis of the  
327 unemployment system of the commonwealth specific to the effectiveness of existing laws and  
328 programs in providing retraining or re-employment opportunities to older, long-term

329 unemployed or both older and long-term unemployed workers; (iii) the effect of the length of  
330 unemployment on the older worker; and (iv) the likelihood that the older worker will be offered  
331 job retraining opportunities and return to full employment. The commission shall make  
332 recommendations for possible changes to programming for older, long-term unemployed or both  
333 older and long-term unemployed workers, including an outline of possible pilot programs or  
334 supplemental unemployment programs focused on older, long-term unemployed or both older  
335 and long-term unemployed workers.

336           The commission shall report the results of its investigation and study, together with drafts  
337 of legislation, if needed, to implement its recommendations, by filing the report with the clerks  
338 of the senate and house of representatives, the joint committee on economic development and  
339 emerging technologies, the joint committee on labor and workforce development, the joint  
340 committee on elder affairs and the house and senate committees on ways and means, not later  
341 than January 31, 2015.

342           SECTION 42. Sections 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21 and 36 shall take  
343 effect on January 1, 2015.

344           SECTION 43. Sections 2, 6 and 7 shall take effect on July 1, 2014.

345           SECTION 44. Section 3 shall take effect on July 1, 2015.

346           SECTION 45. Sections 4 and 5 shall take effect on July 1, 2016.

347           SECTION 46. Section 37 shall take effect on January 1, 2016.

348           SECTION 47. Section 38 shall take effect on January 1, 2017.

349           SECTION 48. Unless otherwise provided, this act shall take effect 6 months after the  
350 effective date of this act.