SENATE DOCKET, NO. 862 FILED ON: 1/17/2013

SENATE . . . . . No. 901

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel A. Wolf

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 adoption of the accompanying bill:

An Act modernizing and protecting the unemployment insurance system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel A. Wolf	*Cape and Islands*
James J. O'Day	*14th Worcester*
Sal N. DiDomenico	*Middlesex and Suffolk*
Marcos A. Devers	*16th Essex*
Denise Provost	*27th Middlesex*

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SENATE . . . . . No. 901

By Mr. Wolf, a petition (accompanied by bill, Senate, No. 901) of Daniel A. Wolf, James J. O'Day, Sal N. DiDomenico, Marcos A. Devers and other members of the General Court for legislation to modernize and protect the unemployment insurance system. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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, as appearing in the 2006 Official Edition, 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, as so appearing, 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 52 times 57.5 percent of the average weekly wage as determined annually in section 29(a). (or: shall mean not less than $20,000 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, as so appearing, is hereby amended by striking out, in lines 112-114, 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, as so appearing, is hereby further amended by striking out the eighth and ninth paragraphs.

SECTION 5. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by striking the last paragraph.

SECTION 6. Section 29(b) of said chapter 151A, as so appearing, is hereby amended by adding at the end thereof the following sentence:-

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

SECTION 7. Section 47 of said chapter 151A, as so appearing, is hereby amended by inserting after the fourth paragraph the following paragraph:-

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

SECTION 8. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination, in the manner prescribed in this chapter with respect to notice of an original determination. If the amount of benefits would be increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in sections 39 to 40, inclusive. If the amount of benefits would be decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by the claimant thereon or

54 from any determination upon a subsequent claim for benefits which may be affected in amount
55 or duration by such redetermination. Any proposed decrease or increase of the amount of
56 benefits based upon such a redetermination shall not take effect if any party seeks timely review
57 in accordance with section 39(b). Subject to the same limitations and for the same reasons, the
58 commissioner may reconsider the determination in any case in which a decision has been
59 rendered by the board of review or a court, and may apply to said board or such court which
60 rendered such decision to revoke or modify such decision and the board of review or court may
61 affirm, modify or revoke such decision.