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HOUSE . . . . . No. 1808

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to clarify seasonal employment..

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: Chapter 151A of the Massachusetts General Laws is hereby amended in section z by striking out section z and inserting in place thereof the following:

"Seasonal employer", an employer that, because of climatic conditions or the nature of product or service, customarily operates all or a functionally distinct occupation within its business only during a regularly recurring period or periods of less than twenty four weeks for all seasonal periods during a calendar year and only includes an employer who voluntarily submits a written application to the commissioner. Such application shall be submitted at least sixty days prior to the beginning of the season.

SECTION 2: Chapter 151A of the Massachusetts General Laws is herby amended in section aa by striking subsection 1 and inserting in place thereof the following:

"Has been employed by a seasonal employer in seasonal employment during a regularly recurring period or periods of less than twenty-four weeks in a calendar year for all seasonal periods, as determined by the commissioner, and"

SECTION 3: Chapter 151A, Section 24A of the Massachusetts General Laws is hereby amended in subsection e by striking subsection e and inserting in place thereof the following:

"If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of twenty-four weeks or more in a calendar year, the employer shall be redetermined by the commissioner to have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. An employer notified of a redetermination may file an appeal of the redetermination and obtain review of the redetermination in accordance with sections thirty-nine through forty-two, inclusive.