SENATE DOCKET, NO. 1823 FILED ON: 1/14/2009

SENATE . . . . . No. 711

The Commonwealth of Massachusetts

In the Year Two Thousand 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:

SECTION 1. Subsection (w) of section 1 of chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word “quarter”, 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 24 of chapter 151A, as so appearing, is hereby amended by inserting after subsection (c) the following new subsection:--

“(d) An individual who seeks part-time work shall be considered available for work provided that the individual restricts his or her work search to part-time work for good cause. No individual who is otherwise eligible for benefits shall be considered ineligible solely because the individual seeks part-time work. For the purposes of this subsection, the term "part-time work"

shall mean work of at least fourteen hours a week and at less than the full-time work schedule customary for the individual's occupation.

The deputy director shall promulgate regulations that define good cause for restricting work search in the benefit year to part-time work and said definition shall include the necessity to reduce hours of work due to child care or the care of sick or elderly family members."

SECTION 3. Paragraph (e) of section 25 of chapter 151A, as so appearing, is hereby amended by striking out the following 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. Section 25 of Chapter 15lA of the General Laws, as so appearing in the 2004 Official Edition, is hereby amended in Subsection (e) by striking out the eighth paragraph and inserting in place thereof the following two paragraphs:--

"A temporary employee of a temporary help firm shall be deemed to have voluntarily quit employment and may be denied unemployment benefits if the temporary employee does not contact the temporary help firm for reassignment before filing for benefits. Failure to contact the temporary help firm shall not be deemed a voluntary quitting unless the temporary help firm advised the temporary employee orally and in writing on a contact obligation form prepared by the commissioner and in a language which the temporary employee understands and signed by the temporary employee upon application for employment of the obligation to contact the firm upon completion of an assignment and that the failure to do so may result in the denial of

unemployment benefits. A copy of this contact obligation form with the temporary employee's signature shall be provided to the temporary employee.

Within 90 days of the effective date of this act, the commissioner shall promulgate regulations to ensure the compliance of providing a contact obligation form to employees by a temporary help firm upon initial application and providing requirements necessary to determine if an employee returned for reassignment as required under this section. Also within 90 days of the effective date of this act, the commissioner shall also report such regulations and any further recommendations to the senate and house chairs of the joint committee on labor and workforce development."

SECTION 5. Paragraph (b) of section 29 of 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 6. Subsection (c) of section 30 of chapter 151A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following new paragraph:-

"If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a second language training to realize sustainable employment, the total benefits which that individual may receive shall be extended by up to 18 times the individual's benefit rate, if the individual is attending a retraining course approved by the commissioner, and if the training program shall be completed within 2 years or within 3 years if the program

includes a combination of adult basic education, general equivalency diploma or English for speakers of a second language with vocational or industrial training. These additional benefits shall be paid to the individual only when attending the course and only if the individual has exhausted all rights to regular and extended benefits under this chapter and has no rights to benefits or compensation under this chapter or under any other state unemployment compensation law or under any federal law. This extension shall be available only to individuals who have applied to the commissioner for training no later than the fifteenth week of a new or continued claim, but the commissioner shall specify by regulation the circumstances in which the 15-week application period shall be tolled, including, but not limited to, where staff of the division of unemployment assistance, or its agents, have given the applicant misinformation that causes the applicant to miss the 15-week deadline; the applicant is working with, or has attempted to initiate a working relationship with, a one-stop career center for the purpose of securing a spot in a training program, but has not yet been able to enroll in an appropriate program; the applicant needs to address the physical, psychological and legal effects of domestic violence; and other good cause to be determined by the commissioner. The claimant shall begin training in the first available appropriate program for which funding is available and which is a reasonable distance from the claimant's residence, as determined by the commissioner, but the commissioner, in his discretion, may extend the period once for not more than two weeks for any applicant whose initial application is denied. Any benefits paid to an individual under this paragraph which would not be chargeable to the account of any particular employer under section 14 shall be charged to the solvency account. An individual eligible to receive a trade readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974,19 USC 2251-2322, as amended, shall not be eligible to receive additional benefits under this section for any week in

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