

HOUSE No. 533

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

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 to clarify seasonal employment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John D. Keenan</i>	<i>7th Essex</i>	<i>1/18/2011</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/3/2011</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>2/3/2011</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/3/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 533

By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 533) of John D. Keenan and others for legislation to further clarify the eligibility of benefits for seasonal employment. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1808 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

1 SECTION 1: Chapter 151A of the Massachusetts General Laws is hereby amended in
2 section z by striking out section z and inserting in place thereof the following:

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

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

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

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

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