

HOUSE No. 1772

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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:	DATE ADDED:
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>1/15/2013</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>	

HOUSE No. 1772

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 1772) of Martin J. Walsh and others relative to unemployment insurance. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1410 OF 2011-2012.]

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:

1 SECTION 1. Section 1(w) of chapter 151A of the General Laws, as appearing in the
2 2010 Official Edition, is hereby amended by inserting, in line 318, after the word “quarter”, the
3 following words:--

4 ; provided further, that if the individual has worked for 15 or more weeks and such
5 deeming renders the individual ineligible for unemployment benefits, the amount shall be equal
6 to one twenty-sixth of the total wages.

7 SECTION 2. Section 14(a) of said chapter 151A, as so appearing, is hereby amended by
8 striking out paragraph (4) and inserting in place thereof the following paragraph:-

9 “Unemployment insurance taxable wage base”, with respect to calendar years beginning
10 on or after January 1, 2013, the term “unemployment insurance taxable wage base” shall mean
11 not less than \$20,000 and shall be adjusted yearly thereafter in an amount that represents the
12 percentage increase in the maximum weekly benefit amount as determined in section 29(a).)

13 SECTION 3. Section 25(e) of said chapter 151A, as so appearing, is hereby amended by
14 striking out, in lines 112-114, the words, “and in each of said weeks has earned an amount
15 equivalent to or in excess of the individuals’ weekly benefit amount after the individual has left
16 work,” and replacing it with the following words:-

17 and has earned an amount equivalent to or in excess of 8 times the individual's weekly
18 benefit amount after the individual has left work.

19 SECTION 4. Said section 25(e) of said chapter 151A, as so appearing, is hereby further
20 amended by striking out the eighth and ninth paragraphs.

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

23 SECTION 6. Section 29 of said chapter 151A, as so appearing, is hereby amended by
24 inserting, in line 33, after the word "dollar" the following words:-

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

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

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

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

45 Notice of any redetermination shall be promptly given to the parties entitled to notice of
46 the original determination, in the manner prescribed in this chapter with respect to notice of an
47 original determination. If the amount of benefits would be increased as a result of the
48 redetermination an appeal may be taken solely with respect to the matters involved in the
49 increase of benefits and may be filed in the manner and subject to the limitations provided in
50 sections 39 to 42, inclusive. If the amount of benefits would be decreased as a result of the
51 redetermination, the matters involved in the decrease shall be subject to review in connection

52 with an appeal by the claimant on this claim or any determination upon a subsequent claim for
53 benefits which may be affected in amount or duration by such redetermination and may be filed
54 in the manner and subject to the limitations provided in sections 39 to 42, inclusive. Any
55 proposed decrease or increase of the amount of benefits based upon the redetermination shall not
56 take effect if any party seeks timely review in accordance with section 39(b). Subject to the
57 same limitations and for the same reasons, the commissioner may reconsider the determination in
58 any case in which a decision has been rendered by the board of review or a court, and may apply
59 to said board or such court which rendered the decision to revoke or modify the decision and the
60 board of review or court may affirm, modify or revoke the decision.

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