

SENATE No. 2195

The Commonwealth of Massachusetts

—
In the Year Two Thousand Fourteen
—

SENATE, June 12, 2014

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill restoring the minimum wage and providing unemployment insurance reforms (Senate, No. 2123) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4079 ; and by striking out the title and inserting in place thereof the following title” “An Act relative to workforce reform”,-- reports, in part, a “Bill restoring the minimum wage and providing unemployment insurance reforms.” (Senate, No. 2195).

For the Committee:

Stephen M. Brewer
Daniel A. Wolf

Brian S. Dempsey
Thomas P. Conroy

SENATE No. 2195

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act restoring the minimum wage and providing unemployment insurance reforms.

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 11E of chapter 23 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in line 2, the words “8 members, 6 of whom”
3 and inserting in place thereof the following words:- 10 members, 8 of whom.

4 SECTION 2. Said section 11E of said chapter 23, as so appearing, is hereby further
5 amended by inserting after the fourth sentence the following sentence: - The 2 remaining
6 appointive members shall be members of the public who shall be appointed for terms of 3 years.

7 SECTION 3. Section 11F of said chapter 23, as so appearing, is hereby amended by
8 striking out, in line 3, the word “training” and inserting in place thereof the following word:-
9 standards.

10 SECTION 4. Section 11G of said chapter 23, as so appearing, is hereby amended by
11 striking out, in line 8, the words “ trade or group of trades” and inserting in place thereof the
12 following words:- occupation or group of occupations.

13 SECTION 5. Section 11H of said chapter 23, as so appearing, is hereby amended by
14 inserting after the word “apprenticed”, in lines 12 and 13, the following words: - , or in the case
15 of licensed occupations, as required by regulations of the appropriate licensing board.

16 SECTION 6. Said section 11H of said chapter 23, as so appearing, is hereby further
17 amended by striking out, in line 15, the words “a skilled trade” and inserting in place thereof the
18 following words:- an occupation.

19 SECTION 7. Said section 11H of said chapter 23, as so appearing, is hereby further
20 amended by inserting after the definition of “Apprentice program sponsor”, the following
21 definition: -

22 “Department”, the department of labor standards.

23 SECTION 8. Said section 11H of said chapter 23, as so appearing, is hereby further
24 amended by striking out, in line 29, the words “apprentice training” and inserting in place thereof
25 the following words:- the department.

26 SECTION 9. Said section 11H of said chapter 23, as so appearing, is hereby further
27 amended by striking out, in line 31, the word “training” and inserting in place thereof the
28 following word:- standards.

29 SECTION 10. Said section 11H of said chapter 23, as so appearing, is hereby further
30 amended by inserting after the definition of “Division” the following definition: -

31 “Licensing entity”, a state agency, including the division of professional licensure and the
32 department of public safety that issues licenses to individuals to engage in occupations.

33 SECTION 11. Said section 11H of said chapter 23, as so appearing, is hereby further
34 amended by striking out, in line 34, the words “trade or”.

35 SECTION 12. Section 11I of said chapter 23, as so appearing, is hereby amended by
36 inserting after the word “apprenticed”, in line 9, the following words:- , or in the case of licensed
37 trades, as required by regulation of the licensing entity, as applicable.

38 SECTION 13. Said section 11I of said chapter 23, as so appearing, is hereby further
39 amended by striking out, in lines 13 and 14, the words “, averaging at least ½ of the rate of pay
40 of a journey person over a similar period”.

41 SECTION 14. Said section 11I of said chapter 23, as so appearing, is hereby further
42 amended by striking out, in lines 19 and 20, the words “6 months” and inserting in place thereof
43 the following words:- the lesser of (1) 1 year or (2) 25 per cent of the length of the apprentice
44 program from the date.

45 SECTION 15. Section 11K of said chapter 23, as so appearing, is hereby amended by
46 inserting after the word “learned”, in line 19, the following words:- , or in the case of licensed
47 trades, as required by regulation of the licensing entity, as applicable.

48 SECTION 16. Section 11T of said chapter 23, as so appearing, is hereby amended by
49 inserting after the figure “10”, in lines 36 and 38, each time it appears, the following word:-
50 business.

51 SECTION 17. Section 11U of said chapter 23, as so appearing, is hereby amended by
52 inserting after the figure “10”, in line 18, the following word:- business.

53 SECTION 18. Section 11W of said chapter 23, as so appearing, is hereby amended by
54 striking out, in line 4, the figure “\$35”.

55 SECTION 19. Said section 11W of said chapter 23, as so appearing, is hereby further
56 amended by inserting after the word “prints”, in line 5, the following words:- and such other
57 information.

58 SECTION 20. Said section 11W of said chapter 23, as so appearing, is hereby further
59 amended by inserting after the word “director”, in line 6, the following words:- , except that a
60 veteran receiving education benefits from the Department of Veterans Affairs under Title 38 of
61 the United States Code shall not be required to pay a fee.

62 SECTION 21. Said section 11W of said chapter 23, as so appearing, is hereby further
63 amended by striking out, in line 8, the words “of \$35”.

64 SECTION 22. Said section 11W of said chapter 23, as so appearing, is hereby further
65 amended by striking out, in line 12, the word “deputy”.

66 SECTION 23. Said chapter 23 is hereby further amended by adding the following
67 section:-

68 Section 25. (a) There is hereby established a council on the underground economy.

69 The council shall coordinate joint efforts to combat the underground economy and
70 employee misclassification, including efforts to: (1) foster compliance with the law by educating
71 business owners and employees about applicable requirements; (2) conduct targeted
72 investigations and enforcement actions against violators; (3) protect the health, safety and benefit
73 rights of workers; and (4) restore competitive equality for law-abiding businesses. For the
74 purposes of this section, the term “underground economy” shall mean any individual or business
75 that deals in cash or uses other means to conceal its true tax liability from government licensing,
76 regulatory and taxing agencies, including, but not limited to, tax evasion or fraud,
77 misclassification of employees, wage theft or the unreported payment of wages.

78 (b) The council shall consist of 17 members including: the secretary of labor and
79 workforce development, or a designee, who shall serve as the chair; the director of the
80 department of unemployment assistance, or a designee; the director of the department of
81 industrial accidents, or a designee; the director of labor standards, or a designee; the
82 commissioner of revenue, or a designee; the chief of the attorney general's fair labor division, or
83 a designee; the commissioner of public safety, or a designee; the director of professional
84 licensure, or a designee; the executive director of the insurance fraud bureau, or a designee; and
85 8 persons appointed by the governor who represent government agencies. The council may
86 create and appoint members to a subcommittee made up of members representing business,
87 organized labor, not-for-profit organizations, government, the legislature and any political
88 subdivision thereof including municipal governments, to solicit input.

89 (c) The council shall:

90 (1) facilitate timely information sharing among state agencies in order to advise or refer
91 matters of potential investigative interest;

92 (2) identify those industries and sectors where the underground economy and employee
93 misclassification are most prevalent and target council members' investigative and enforcement
94 resources against those sectors, including through the formation of joint investigative and
95 enforcement teams;

96 (3) assess existing investigative and enforcement methods, both in the commonwealth
97 and in other jurisdictions, and develop and recommend strategies to improve those methods;

98 (4) encourage businesses and individuals to identify violators by soliciting information
99 from the public, facilitating the filing of complaints and enhancing the available mechanisms by
100 which workers can report suspected violations;

101 (5) solicit the cooperation and participation of district attorneys and other relevant
102 enforcement agencies, including the insurance fraud bureau, and establish procedures for
103 referring cases to prosecuting authorities as appropriate;

104 (6) work cooperatively with employers, labor and community groups to diminish the size
105 of the underground economy and reduce the number of employee misclassifications by, among
106 other means, disseminating educational materials regarding the applicable laws, including the
107 legal distinctions between independent contractors and employees, and increasing public
108 awareness of the harm caused by the underground economy and employee misclassification;

109 (7) work cooperatively with federal, state and local social services agencies to provide
110 assistance to vulnerable populations that have been exploited by the underground economy and
111 employee misclassification, including, but not limited, to immigrant workers;

112 (8) identify potential regulatory or statutory changes that would strengthen enforcement
113 efforts, including any changes needed to resolve existing legal ambiguities or inconsistencies, as
114 well as potential legal procedures for facilitating individual enforcement efforts; and

115 (9) consult with representatives of business and organized labor, members of the general
116 court, community groups and other agencies to discuss the activities of the council and its
117 members and ways of improving its effectiveness.

118 (d) The council shall file an annual report with the governor and the clerks of the house
119 of representatives and senate summarizing the council's activities during the preceding year. The
120 report shall, without limitation: (1) describe the council's efforts and accomplishments during the
121 year; (2) identify any administrative or legal barriers impeding the more effective operation of
122 the council, including any barriers to information sharing or joint action; (3) propose, after
123 consultation with representatives of business and organized labor, members of the legislature and

124 other agencies, appropriate administrative, legislative or regulatory changes to strengthen the
125 council's operations and enforcement efforts and reduce or eliminate any barriers to those
126 efforts; and (4) identify successful preventative mechanisms for reducing the extent of the
127 underground economy and employee misclassification, thereby reducing the need for greater
128 enforcement. Reports of the council shall be made available on the webpage of the executive
129 office of labor and workforce development.

130 SECTION 24. Section 21 of chapter 62C of the General Laws, as appearing in the 2012
131 Official Edition, is hereby amended by striking out, in lines 158 to 160, inclusive, the words
132 "Joint Enforcement Task Force on the Underground Economy and Employee Misclassification,
133 established by Executive Order 499," and inserting in place thereof the following words:-
134 council on the underground economy established by section 25 of chapter 23.

135 SECTION 25. Section 1 of chapter 62D of the General Laws, as so appearing , is hereby
136 amended by inserting after the definition of "Debtor", the following definition:-

137 "Federal tax refund payment", any overpayment of federal taxes to be refunded to the
138 person making the overpayment after the Internal Revenue Service makes the appropriate credits
139 as provided in 26 U.S.C. §6402(a) and 26 CFR §6402-3(a)(6)(i) for any liabilities for any federal
140 tax on the part of the person who made the overpayment.

141 SECTION 26. Chapter 149 of the General Laws is hereby amended by inserting after
142 section 6 the following section:-

143 Section 6½. (a) This section shall apply to places of employment subject to section 28 of
144 chapter 7. The department and the personnel administrator, after consulting with the advisory
145 board established by subsection (b), shall jointly adopt regulations with the advisory board that
146 shall provide at least the level of protection to employees as are provided under the federal
147 Occupational Safety and Health Act of 1970, 29 U.S.C. chapter 15, including standards and
148 provisions of the general duty clause contained in said chapter 15. In the absence of a state
149 regulation, the department shall apply the applicable provisions of that act.

150 (b) The governor shall appoint an occupational health and safety hazard advisory board
151 consisting of: the secretary of labor and workforce development or a designee, who shall serve as

152 the co-chairperson; the personnel administrator or a designee, who shall serve as co-chairperson;
153 the director of the division of labor standards or a designee; the secretary of administration and
154 finance or a designee; the director of the office of employee relations or a designee; the
155 commissioner of public health or a designee; the director of industrial accidents or a designee; 4
156 representatives from labor unions representing the employees of the commonwealth; 1
157 representative from a community-based health and safety advocacy organization; and 1 member
158 of the faculty of the department of work environment at the University of Massachusetts, Lowell.
159 The advisory board shall evaluate injury and illness data, recommend training and
160 implementation of safety and health measures, monitor the effectiveness of safety and health
161 programs and determine where additional resources are needed to protect the safety and health of
162 employees of the commonwealth.

163 (c) The attorney general may bring a civil action for declaratory or injunctive relief to
164 enforce this section.

165 SECTION 27. Subsection (a) of section 189 of chapter 149 of the General Laws, inserted
166 by section 109 of chapter 38 of the acts of 2013, is hereby amended by striking out the figure
167 “.36” and inserting in place thereof the following figure:- .34.

168 SECTION 28. Section 1 of chapter 151 of the General Laws, as appearing in the 2012
169 Official Edition, is hereby amended by striking out, in line 5, the figure “8.00” and inserting in
170 place thereof the following figure:- 9.00.

171 SECTION 29. Said section 1 of said chapter 151 is hereby further amended by striking
172 out the figure “9.00”, inserted by section 28, and inserting in place thereof the following figure:-
173 10.00.

174 SECTION 30. Said section 1 of said chapter 151 is hereby further amended by striking
175 out the figure “10.00”, inserted by section 29, and inserting in place thereof the following
176 figure:- 11.00.

177 SECTION 31. Said section 1 of said chapter 151, as so appearing, is hereby further
178 amended by striking out, in line 12, the figure “.10” and inserting in place thereof the following
179 figure:- .50.

180 SECTION 32. Section 2A of said chapter 151, as so appearing, is hereby amended by
181 striking out, in line 5, the words “one dollar and sixty cents” and inserting in place thereof the
182 following figure:- \$8.00.

183 SECTION 33. Section 7 of said chapter 151, as so appearing, is hereby amended by
184 inserting after the word “apprentices”, in line 20, the following words:- and except for seasonal
185 camp counselors and counselor trainees,

186 SECTION 34. Said section 7 of said chapter 151, as so appearing, is hereby further
187 amended by striking out, in lines 30 and 31, inclusive, the words “the cash wage required to be
188 paid such an employee on July 1, 1999” and inserting in place thereof the following figure:-
189 \$3.00.

190 SECTION 35. Said section 7 of said chapter 151, as so appearing, is hereby further
191 amended by striking out the figure “\$3.00”, inserted by section 34, and inserting in place thereof
192 the following figure:- \$3.35.

193 SECTION 36. Said section 7 of said chapter 151, as so appearing, is hereby further
194 amended by striking out the figure “\$3.35”, inserted by section 35, and inserting in place thereof
195 the following figure:- \$3.75.

196 SECTION 37. Paragraph (2) of subsection (r) of section 1 of chapter 151A of the
197 General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the
198 following sentence:- Notwithstanding any general or special law to the contrary, an individual
199 employed as a crewmember on a commercial fishing vessel shall be deemed to be in total
200 unemployment during any period of general closing of the individual's employer's fishing vessel
201 due to the employer's inability to conduct fishing operations as a result of federal fisheries
202 management restrictions and the individual performs no wage-earning services whatsoever, and
203 for which he receives no remuneration during those periods of general closing of the individual's
204 employer's fishing vessel.

205 SECTION 38. Said section 1 of said chapter 151A, as so appearing, is hereby amended
206 by adding the following subsection:-

207 (v) “Unemployment compensation debt” shall have the same meaning as “covered
208 unemployment compensation debt” in 26 U.S.C. § 6402(f)(4).

209 SECTION 39. Said section 1 of said chapter 151A, as so appearing, is hereby amended
210 by striking out, in lines 327 and 338, the word “sixteen” and inserting in place thereof, in each
211 instance, the following figure:- 20.

212 SECTION 40. Section 6A of said chapter 151A, as so appearing, is hereby amended by
213 striking out, in line 12, the word “or”.

214 SECTION 41. Said section 6A of said chapter 151A, as so appearing, is hereby further
215 amended by striking out, in line 17, the word “week.” and inserting in place thereof the
216 following words:- week; or

217 (7) an election official or election workers if the amount of remuneration received by the
218 individual during the calendar year for services as an election official or election worker is less
219 than \$1,000.

220 SECTION 42. Section 8A of said chapter 151A, as so appearing, is hereby amended by
221 striking out, in lines 9 and 10 the words “twenty thousand dollars” and inserting in place thereof
222 the following figure:- \$40,000.

223 SECTION 43. Said section 8A of said chapter 151A, as so appearing, is hereby further
224 amended by striking out, in line 15, the words “twenty thousand dollars” and inserting in place
225 thereof the following figure:- \$40,000.

226 SECTION 44. Subsection (b) of said section 8A of said chapter 151A, as so appearing, is
227 hereby further amended by adding the following paragraph:-

228 Employers who exceed the thresholds specified in this section in a single quarter shall
229 again be eligible for exemption from this chapter provided they do not exceed said thresholds in
230 any of the remaining and subsequent calendar year.

231 SECTION 45. Subsection (a) of section 14 of said chapter 151A, as so appearing, is
232 hereby amended by striking out, in lines 39 and 40, the words “employer’s total taxable payroll

233 for the period of twelve consecutive months ending on” and inserting in place thereof the
234 following words:- average of the employer’s total taxable payroll for the 3 years prior to.

235 SECTION 46. Said subsection (a) of said section 14 of said chapter 151A, as so
236 appearing, is hereby further amended by striking out, in lines 49 through 51, inclusive, the words
237 “total taxable payrolls reported by all employers whose experience rate is determined under
238 paragraph (1) of subsection (i), for the period of twelve consecutive months ending on” and
239 inserting in place thereof the following words:- average of the total taxable payrolls reported by
240 all employers whose experience rate is determined under paragraph (1) of subsection (i), for the
241 3 years preceding.

242 SECTION 47. Said subsection (a) of said section 14 of said chapter 151A, as so
243 appearing, is hereby further amended by striking out, in lines 55 and 56, the words “total payrolls
244 reported by all employers liable for contributions under section fourteen for the calendar year”
245 and inserting in it place thereof the following words:- the average of the total payrolls reported
246 by all employers liable for contributions under section 14 for the 3 years.

247 SECTION 48. Said subsection (a) of said section 14 of said chapter 151A, as so
248 appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the
249 following paragraph:-

250 (4) “Unemployment insurance taxable wage base”, with respect to calendar years
251 beginning on or after January 1, 2015, the term “unemployment insurance taxable wage base”
252 shall mean “\$15,000”.

253 SECTION 49. Subsection (h) of said section 14 of said chapter 151A, as so appearing, is
254 hereby amended by striking out, in lines 166 and 167, the words “The commissioner shall
255 determine each employer’s total taxable wages for the twelve-months” and inserting in place
256 thereof the following words:- the commissioner shall determine each employer’s total taxable
257 wages for the 3 year.

258 SECTION 50. Said subsection (h) of said section 14 of said chapter 151A, as so
259 appearing, is hereby further amended by striking out, in lines 174 to 176, inclusive, the words
260 “commissioner shall determine the total taxable wages of all employers in the commonwealth,

261 whose experience rate is determined under paragraph (1) of subsection (i) during the calendar
 262 year” and inserting in place thereof the following words:- commissioner shall determine the total
 263 taxable wages of all employers in the commonwealth, whose experience rate is determined under
 264 paragraph (1) of subsection (i) for the 3 year period.

265 SECTION 51. Paragraph (1) of subsection (i) of said section 14 of said chapter 151A, as
 266 so appearing, is hereby amended by striking out, in lines 187 and 188, the date “January 1, 2004”
 267 and inserting in place thereof the following date:- January 1, 2015.

268 SECTION 52. Said paragraph (1) of said subsection (i) of said section 14 of said chapter
 269 151A, as so appearing, is hereby further amended by striking out the table and inserting in place
 270 thereof the following table:-

EXPERIENCE RATE TABLE

| UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE | | | | | | | |
|--|-----------------------|---|--|--|--|--|-----------------------|
| | A | B | C | D | E | F | G |
| | 1.65% and over | 1.5% or more but less than 1.65% | 1.2% or more but less than 1.5% | 0.9% or more but less than 1.2% | 0.6% or more but less than 0.9% | 0.3% or more but less than 0.6% | less than 0.3% |
| Employer Account Reserve Percentage | | | | | | | |
| POS % 17 or more | 0.56 | 0.64 | 0.73 | 0.83 | 0.94 | 1.07 | 1.21 |
| 16.0 | 0.64 | 0.73 | 0.83 | 0.95 | 1.08 | 1.22 | 1.39 |
| 15.0 | 0.73 | 0.83 | 0.94 | 1.07 | 1.21 | 1.38 | 1.57 |
| 14.0 | 0.81 | 0.92 | 1.04 | 1.18 | 1.34 | 1.53 | 1.73 |
| 13.5 | 0.97 | 1.10 | 1.25 | 1.42 | 1.61 | 1.83 | 2.08 |
| 13.0 | 1.05 | 1.19 | 1.35 | 1.54 | 1.75 | 1.99 | 2.26 |

| | | | | | | | |
|------|------|------|------|------|------|------|------|
| 12.5 | 1.13 | 1.28 | 1.46 | 1.66 | 1.89 | 2.14 | 2.43 |
| 12.0 | 1.21 | 1.37 | 1.56 | 1.77 | 2.01 | 2.29 | 2.60 |
| 11.5 | 1.29 | 1.47 | 1.67 | 1.89 | 2.15 | 2.45 | 2.78 |
| 11.0 | 1.37 | 1.56 | 1.77 | 2.01 | 2.29 | 2.6 | 2.96 |
| 10.5 | 1.45 | 1.65 | 1.87 | 2.13 | 2.42 | 2.75 | 3.12 |
| 10.0 | 1.53 | 1.74 | 1.98 | 2.25 | 2.56 | 2.91 | 3.3 |
| 9.5 | 1.61 | 1.83 | 2.08 | 2.36 | 2.69 | 3.05 | 3.47 |
| 9.0 | 1.7 | 1.93 | 2.19 | 2.49 | 2.82 | 3.21 | 3.65 |
| 8.5 | 1.78 | 2.02 | 2.29 | 2.61 | 2.96 | 3.37 | 3.82 |
| 8.0 | 1.85 | 2.10 | 2.39 | 2.72 | 3.09 | 3.51 | 3.99 |
| 7.5 | 1.94 | 2.20 | 2.5 | 2.84 | 3.23 | 3.67 | 4.17 |
| 7.0 | 2.02 | 2.30 | 2.61 | 2.96 | 3.37 | 3.82 | 4.35 |
| 6.5 | 2.09 | 2.38 | 2.71 | 3.08 | 3.50 | 3.97 | 4.51 |
| 6.0 | 2.17 | 2.47 | 2.81 | 3.20 | 3.63 | 4.13 | 4.69 |
| 5.5 | 2.25 | 2.56 | 2.91 | 3.31 | 3.76 | 4.28 | 4.86 |
| 5.0 | 2.34 | 2.66 | 3.02 | 3.43 | 3.90 | 4.43 | 5.04 |
| 4.5 | 2.42 | 2.75 | 3.13 | 3.55 | 4.04 | 4.59 | 5.21 |
| 4.0 | 2.50 | 2.84 | 3.23 | 3.67 | 4.17 | 4.74 | 5.38 |
| 3.5 | 2.58 | 2.93 | 3.33 | 3.79 | 4.30 | 4.89 | 5.56 |
| 3.0 | 2.67 | 3.03 | 3.44 | 3.91 | 4.44 | 5.05 | 5.74 |
| 2.5 | 2.75 | 3.12 | 3.54 | 4.02 | 4.57 | 5.20 | 5.90 |
| 2.0 | 2.82 | 3.21 | 3.65 | 4.14 | 4.71 | 5.35 | 6.08 |
| 1.5 | 2.9 | 3.3 | 3.75 | 4.26 | 4.84 | 5.50 | 6.25 |
| 1.0 | 2.98 | 3.39 | 3.85 | 4.38 | 4.98 | 5.65 | 6.43 |

| | | | | | | | |
|-------------------|------|------|-------|-------|-------|-------|-------|
| 0.5 | 3.06 | 3.48 | 3.96 | 4.5 | 5.11 | 5.81 | 6.60 |
| 0.0 | 3.14 | 3.57 | 4.06 | 4.61 | 5.24 | 5.96 | 6.77 |
| | | | | | | | |
| NEG % 0.0 or less | 4.22 | 4.79 | 5.45 | 6.19 | 7.03 | 7.99 | 9.08 |
| -1.0 | 4.58 | 5.21 | 5.92 | 6.72 | 7.64 | 8.68 | 9.86 |
| -3.0 | 4.95 | 5.63 | 6.39 | 7.27 | 8.26 | 9.38 | 10.66 |
| -5.0 | 5.32 | 6.04 | 6.86 | 7.8 | 8.86 | 10.07 | 11.44 |
| -7.0 | 5.68 | 6.46 | 7.34 | 8.34 | 9.48 | 10.77 | 12.23 |
| -9.0 | 6.05 | 6.87 | 7.81 | 8.88 | 10.09 | 11.46 | 13.02 |
| -11.0 | 6.42 | 7.29 | 8.29 | 9.42 | 10.70 | 12.16 | 13.81 |
| -13.0 | 6.78 | 7.71 | 8.76 | 9.95 | 11.31 | 12.85 | 14.6 |
| -15.0 | 7.15 | 8.13 | 9.24 | 10.49 | 11.93 | 13.55 | 15.39 |
| -17.0 | 7.52 | 8.54 | 9.71 | 11.03 | 12.53 | 14.24 | 16.18 |
| -19.0 | 7.88 | 8.96 | 10.18 | 11.57 | 13.15 | 14.94 | 16.97 |
| -21.0 | 8.25 | 9.37 | 10.65 | 12.11 | 13.76 | 15.63 | 17.76 |
| -23.0 or less | 8.62 | 9.79 | 11.13 | 12.65 | 14.37 | 16.33 | 18.55 |

271

272 SECTION 53. Said section 14 of said chapter 151A, as so appearing, is hereby further
273 amended by striking out, in lines 197 and 198, the words "but less than 11.0 positive".

274 SECTION 54. Said section 14 of said chapter 151A, as so appearing, is hereby further
275 amended by striking out, in line 217, the words "but less than 0.5".

276 SECTION 55. Said section 14 of said chapter 151A, as so appearing, is hereby further
277 amended by inserting after the word "unit", in line 282, the following words:- and the transferee
278 continues such organization, trade or business.

279 SECTION 56. Section 14L of said chapter 151A, as so appearing, is hereby amended by
280 striking out, in line 4, the figure “0.075” and inserting in place thereof the following figure:-
281 0.056.

282 SECTION 57. Said section 14L of said chapter 151A, as so appearing, is hereby further
283 amended by striking out, in line 9, the figure “\$18,000,000” and inserting in place thereof the
284 following figure:- \$22,000,000.

285 SECTION 58. Said chapter 151A, as so appearing, is hereby further amended by
286 inserting after section 14P the following section:-

287 Section 14Q. The commissioner may enter into an agreement with the Secretary of the
288 Department of Treasury, pursuant to 26 U.S.C. §6402(f) and 31 CFR §285.8, to transmit valid,
289 unpaid, and overdue unemployment compensation debts to the Financial Management Service, a
290 bureau of the United States Department of the Treasury, for collection by offset of federal tax
291 refund payments through the treasury offset program. If the commissioner chooses to participate
292 in the treasury offset program to recover unemployment compensation debt, the commissioner
293 shall adhere to all rules, policies, and guidance as required by the United States Department of
294 the Treasury and the United States Department of Labor in implementing and administering the
295 program. The commissioner may promulgate such regulations as needed to implement this
296 section.

297 SECTION 59. Section 15 of said chapter 151A, as so appearing, is hereby amended by
298 adding the following subsection:-

299 (f) If an assessment, or any administrative decision upon review thereof, has become final
300 and the contributions, payments in lieu of contributions, interest or penalties thereby assessed
301 remain unpaid, the director may refer the unpaid and overdue amount to the Secretary of the
302 United States Department of Treasury for collection pursuant of 26 U.S.C. §6402(f), the treasury
303 offset program; provided, that all procedures for notice and opportunity to present evidence as
304 required by 31 CFR §285.8 have been followed.

305 SECTION 60. Subsection (b) of section 19A of said chapter 151A, as so appearing, is
306 hereby amended by adding the following sentence:-

307 An agency or instrumentality of the commonwealth shall not enter into, renew or extend
308 a contract or agreement with any employer to provide goods, services or physical space that has
309 a maximum obligation or value greater than \$5,000 to such agency or instrumentality or
310 authorize any tax credit under chapters 62 and 63 in excess of \$5,000 unless the employer has
311 submitted a certificate of compliance issued by the department showing that it is current in all its
312 obligations relating to contributions, payments in lieu of contributions and the employer medical
313 assistance contribution established in section 189 of chapter 149.

314 SECTION 61. Section 24A of said chapter 151A, as so appearing, is hereby amended by
315 striking out, in line 25, the word “sixteen” and inserting in place thereof the following figure:-
316 20.

317 SECTION 62. Section 25 of said chapter 151A, as so appearing, is hereby amended by
318 striking out, in lines 112 to 114, inclusive, the words “and in each of said weeks has earned an
319 amount equivalent to or in excess of the individual’s weekly benefit amount after the individual
320 has left work” and inserting in place thereof the following words:- and has earned an amount
321 equivalent to or in excess of 8 times the individual’s weekly benefit amount after the individual
322 has left work.

323 SECTION 63. Subsection (e) of said section 25 of said chapter 151A, as so appearing, is
324 hereby amended by inserting after the fourth paragraph the following paragraph:-
325 Notwithstanding any general or special law to the contrary, no disqualification shall be imposed
326 if an individual establishes to the satisfaction of the commissioner that the individual is
327 employed as a crewmember of a commercial fishing vessel and is unable to work for a period of
328 time due to the general closing of the individual's employer’s fishing vessel for that period of
329 time as a result of the employer’s inability to conduct fishing operations because of federal
330 fisheries management restrictions.

331 SECTION 64. Said chapter 151A is hereby further amended by inserting after section
332 28A the following section:-

333 Section 28B. If an employee, who is a corporate officer, partner or owner of an
334 employing unit, or is a person who has more than a 5 per cent equitable or debt interest in an
335 employing unit or is an immediate family member of such individuals, receives an

336 unemployment benefit under this chapter and, during the same benefit year, resumes or returns to
337 work for the same employing unit, then the division may determine that the employee's
338 unemployment was due to circumstances within the employee's control and may seek repayment
339 of any overpaid benefits.

340 SECTION 65. Subsection (b) of section 29 of said chapter 151A, as appearing in the
341 2012 Official Edition, is hereby amended by adding the following sentence:- Nothing in this
342 subsection shall cause a full denial of benefits solely because an individual left a part time job,
343 which supplemented primary full-time employment, during the individual's base period prior to
344 being deemed in partial unemployment.

345 SECTION 66. Said chapter 151A is hereby amended by striking out section 29D, as so
346 appearing, and inserting in place thereof the following section:-

347 Section 29D. (a) As used in this section the following words shall, unless the context
348 clearly requires otherwise, have the following meanings:-

349 "Affected unit", a specified plant, department, shift or other definable unit that includes 2
350 or more workers to which an approved worksharing plan applies.

351 "Director", the director of the department or the director's authorized representative.

352 "Health and retirement benefits", health benefits, and retirement benefits provided by an
353 employer under a defined benefit pension plan as defined in section 414(j) of the Internal
354 Revenue Code, or contributions under a defined contribution plan defined in section 414(i) of
355 said Code, which are incidents of employment in addition to the cash remuneration earned.

356 "Worksharing benefits", the unemployment benefits payable to employees in an affected
357 unit under an approved worksharing plan, as distinguished from the unemployment benefits
358 otherwise payable under the unemployment compensation provisions of this chapter.

359 "Worksharing plan", a plan submitted by an employer, for approval by the director, under
360 which the employer requests the payment of worksharing benefits to workers in an affected unit
361 of the employer to avert layoffs.

362 “Usual weekly hours of work”, the usual hours of work for full-time or regular part-time
363 employees in the affected unit when that unit is operating on its regular basis, not to exceed 40
364 hours and not including hours of overtime work.

365 “Unemployment compensation”, the unemployment benefits payable under this chapter
366 other than worksharing benefits, including any amounts payable pursuant to an agreement under
367 any Federal law providing for compensation, assistance or allowances with respect to
368 unemployment.

369 (b) An employer wishing to participate in a worksharing program shall submit a signed
370 written worksharing plan and application form to the director for approval; provided, however,
371 that an employer having an account reserve percentage that is negative as of the most recent
372 computation date shall not be eligible to participate. The director shall develop an application
373 form to request approval of a worksharing plan and an approval process. Any application,
374 whether for initial approval, approval following 1 or more disapprovals, for modification or for
375 participation in another worksharing plan after the expiration or termination of an approved plan,
376 shall include: (1) The affected unit or units covered by the plan, including the number of full-
377 time or part-time workers in such unit, the percentage of workers in the affected unit covered by
378 the plan, identification of each individual employee in the affected unit by name, social security
379 number and the employer’s unemployment tax account number, and any other information
380 required by the director to identify plan participants.

381 (2) A description of how workers in the affected unit will be notified of the employer’s
382 participation in the worksharing program if such application is approved, including how the
383 employer will notify those workers in a collective bargaining unit, as well as any workers in the
384 affected unit who are not in a collective bargaining unit. If the employer will not provide
385 advance notice to workers in the affected unit, the employer shall explain in a statement in the
386 application why it is not feasible to provide such notice.

387 (3) A requirement that the employer identify the usual weekly hours of work for
388 employees in the affected unit and the specific percentage by which their hours will be reduced
389 during all weeks covered by the plan. An application shall specify the percentage of reduction for
390 which a worksharing application may be approved which shall be not less than 10 percent and

391 not more than 60 percent. If the plan includes any week for which the employer regularly
392 provides no work due to a holiday or other plant closing, then such week shall be identified in
393 the application.

394 (4) Certification by the employer that, if the employer provides health and retirement
395 benefits to any employee whose usual weekly hours of work are reduced under the program,
396 such benefits will continue to be provided to employees participating in the worksharing
397 program under the same terms and conditions as though the usual weekly hours of work of such
398 employee had not been reduced or to the same extent as other employees not participating in the
399 worksharing program.

400 For defined benefit retirement plans, the hours that are reduced under the worksharing
401 plan shall be credited for purposes of participation, vesting and accrual of benefits as though the
402 usual weekly hours of work had not been reduced. The dollar amount of employer contributions
403 to a defined contribution plan that are based on a percentage of compensation may be less due to
404 the reduction in the employee's compensation.

405 Notwithstanding the preceding 2 paragraphs, an application may contain the required
406 certification when a reduction in health and retirement benefits scheduled to occur during the
407 duration of the plan will be applicable equally to employees who are not participating in the
408 worksharing program and to those employees who are participating.

409 (5) Certification by the employer that the aggregate reduction in work hours is in lieu of
410 temporary or permanent layoffs, or both. The application shall include an estimate of the number
411 of workers who would have been laid off in the absence of the worksharing plan. The plan shall
412 not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of
413 temporary part-time or intermittent employment.

414 (6) Agreement by the employer to: furnish reports to the director relating to the proper
415 conduct of the plan; allow the director or the director's authorized representatives access to all
416 records necessary to approve or disapprove the plan application, and after approval of a plan, to
417 monitor and evaluate the plan; and follow any other directives the director deems necessary for
418 the agency to implement the plan and that are consistent with the requirements for plan
419 applications.

420 (7) Certification by the employer that participation in the worksharing plan and its
421 implementation are consistent with the employer's obligations under applicable federal and state
422 laws.

423 (8) The effective date and duration of the plan that shall expire not later than the end of
424 the twelfth full calendar month after the effective date.

425 (9) The written approval by the collective bargaining agent for each collective bargaining
426 agreement for each affected unit is included in the plan.

427 (10) Any other provision added to the application by the director that the United States
428 Secretary of Labor determines to be appropriate for purposes of a worksharing program.

429 (c) The director shall approve or disapprove a worksharing plan in writing within 15 days
430 of its receipt and promptly communicate the decision to the employer. The disapproval shall be
431 final, but the employer shall be allowed to submit another worksharing plan for approval not
432 earlier than 7 days from the date of the disapproval.

433 (d) A worksharing plan shall be effective on the date that is mutually agreed upon by the
434 employer and the director, which shall be specified in the notice of approval to the employer.
435 The plan shall expire on the date specified in the notice of approval, which shall be either the
436 date at the end of the twelfth full calendar month after its effective date or an earlier date
437 mutually agreed upon by the employer and the director; provided, however, that if a worksharing
438 plan is revoked by the director pursuant to subsection (e), the plan shall terminate on the date
439 specified in the director's written order of revocation. An employer may terminate a worksharing
440 plan at any time upon written notice to the director. Upon receipt of such notice from the
441 employer, the director shall promptly notify each employee of the affected unit of the
442 termination date. An employer may submit a new application to participate in another
443 worksharing plan at any time after the expiration or termination date.

444 (e) The director may revoke approval of a worksharing plan for good cause at any time,
445 including upon the request of any of the affected unit's employees. The revocation order shall be
446 in writing and shall specify the reasons for the revocation and the date the revocation is effective.

447 The director may periodically review the operation of each employer's worksharing plan
448 to assure that no good cause exists for revocation of the approval of the plan. Good cause shall
449 include, but not be limited to, failure to comply with the assurances given in the plan,
450 unreasonable revision of productivity standards for the affected unit, conduct or occurrences
451 tending to defeat the intent and effective operation of the worksharing plan and violation of any
452 criteria on which approval of the plan was based.

453 (f) An employer may request a modification of an approved plan by filing a written
454 request with the director. The request shall identify the specific provisions proposed to be
455 modified and provide an explanation of why the proposed modification is appropriate for the
456 worksharing plan. The director shall approve or disapprove the proposed modification in writing
457 within 15 days of receipt and promptly communicate the decision to the employer.

458 The director may approve a request for modification of the plan based on conditions that
459 have changed since the plan was approved; provided that the modification is consistent with and
460 supports the purposes for which the plan was initially approved. A modification does not extend
461 the expiration date of the original plan, and the director shall promptly notify the employer
462 whether the plan modification has been approved and, if approved, the effective date of the
463 modification.

464 An employer is not required to request approval of a plan modification from the director
465 if the change is not substantial, but the employer shall report every change to the plan to the
466 director promptly and in writing. The director may terminate an employer's plan if the employer
467 fails to meet this reporting requirement. If the director determines that the reported change is
468 substantial, the director shall require the employer to request a modification to the plan.

469 (g) An individual is eligible to receive worksharing benefits with respect to any week
470 only if the individual is monetarily eligible for unemployment compensation, not otherwise
471 disqualified for unemployment compensation and:

472 (1) During the week, the individual is employed as a member of an affected unit under an
473 approved worksharing plan, which was approved prior to that week, and the plan is in effect with
474 respect to the week for which worksharing benefits are claimed.

475 (2) Notwithstanding any other provisions of this chapter relating to availability for work
476 and actively seeking work, the individual is available for the individual's usual hours of work
477 with the worksharing employer, which may include, for purposes of this section, participating in
478 training to enhance job skills that is approved by the director such as employer-sponsored
479 training or training funded under the Workforce Investment Act of 1998.

480 (3) Notwithstanding any general or special law to the contrary, an individual covered by a
481 worksharing plan shall be considered unemployed in any week during the duration of such plan
482 if the individual's remuneration as an employee in an affected unit is reduced based on a
483 reduction of the individual's usual weekly hours of work under an approved worksharing plan.

484 (h)(1)The worksharing weekly benefit amount shall be the product of the regular weekly
485 unemployment compensation amount for a week of total unemployment multiplied by the
486 percentage of reduction in the individual's usual weekly hours of work.

487 (2) An individual may be eligible for worksharing benefits or unemployment
488 compensation, as appropriate, except that no individual shall be eligible for combined benefits in
489 any benefit year in an amount more than the maximum entitlement established for regular
490 unemployment compensation, nor shall an individual be paid worksharing benefits for more than
491 52 weeks under a worksharing plan.

492 (3) The worksharing benefits paid to an individual shall be deducted from the maximum
493 entitlement amount of regular unemployment compensation established for that individual's
494 benefit year.

495 (4) Provisions applicable to unemployment compensation claimants shall apply to
496 worksharing claimants to the extent that they are not inconsistent with worksharing provisions.
497 An individual who files an initial claim for worksharing benefits shall receive a monetary
498 determination.

499 (5) This paragraph shall apply to individuals who work for both a worksharing employer
500 and another employer during weeks covered by the approved worksharing plan:

501 (i) If combined hours of work in a week for both employers does not result in a reduction
502 of at least 10 per cent or, if higher, the minimum percentage of reduction required to be eligible

503 for a worksharing benefit as provided in this section, of the usual weekly hours of work with the
504 worksharing employer, the individual shall not be entitled to benefits under this paragraph.

505 (ii) If the combined hours of work for both employers results in a reduction equal to or
506 greater than 10 per cent; or, if higher, the minimum percentage reduction required to be eligible
507 for a worksharing benefit as provided in state law, of the usual weekly hours of work for the
508 worksharing employer, the worksharing benefit amount payable to the individual is reduced for
509 that week and is determined by multiplying the weekly unemployment benefit amount for a week
510 of total unemployment by the percentage by which the combined hours of work have been
511 reduced by 10 per cent or, if higher, the minimum percentage reduction required to be eligible
512 for a worksharing benefit as provided in this section, or more of the individual's usual weekly
513 hours of work. A week for which benefits are paid under this clause shall be reported as a week
514 of worksharing.

515 (iii) If an individual worked the reduced percentage of the usual weekly hours of work for
516 the worksharing employer and is available for all of the individual's usual hours of work with the
517 worksharing employer, and the individual did not work any hours for the other employer, either
518 because of the lack of work with that employer or because the individual is excused from work
519 with the other employer, the individual shall be eligible for worksharing benefits for that week.
520 The benefit amount for such week shall be calculated as provided in subsection (i).

521 (6) An individual who is not provided any work during a week by the worksharing
522 employer, or any other employer, and who is otherwise eligible for unemployment compensation
523 shall be eligible for the amount of regular unemployment compensation to which the individual
524 would otherwise be eligible.

525 (7) An individual who is not provided any work by the worksharing employer during a
526 week, but who works for another employer and is otherwise eligible may be paid unemployment
527 compensation for that week subject to the disqualifying income and other provisions applicable
528 to claims for regular compensation.

529 (i) Worksharing benefits shall be charged to employers' experience rating accounts in the
530 same manner as unemployment compensation is charged under this chapter. Employers liable for

531 payments in lieu of contributions shall have worksharing benefits attributed to service in their
532 employ in the same manner as unemployment compensation is attributed.

533 (j) An individual who has received all of the worksharing benefits or combined
534 unemployment compensation and worksharing benefits available in a benefit year shall be
535 considered an exhaustee for purposes of extended benefits, as provided under section 30A, and if
536 otherwise eligible under those provisions, shall be eligible to receive extended benefits.

537 (k) The director may utilize any remedies provided by this chapter to recover
538 worksharing benefits that were improperly paid as a result of information that was substantially
539 misleading or that contained a material misrepresentation of fact and was submitted to the
540 director in connection with the approval, modification or implementation of a worksharing plan.

541 SECTION 67. Section 47 of said chapter 151A, as so appearing, is hereby amended by
542 inserting after the fourth paragraph the following paragraph:-

543 The receipt of any notice of termination of employment or of any substantial alteration in
544 the terms of employment within 6 months after an employee has provided evidence in
545 connection with a claim for benefits under this chapter, or has testified at any hearing conducted
546 under any provision of this chapter, shall create a rebuttable presumption that such notice or
547 other action is a reprisal against the employee for providing evidence. Such presumption shall be
548 rebutted only by clear and convincing evidence that such employer's action was not a reprisal
549 against the employee and that the employer had sufficient independent justification for taking
550 such action, and would have in fact taken such action, in the same manner and at the same time
551 the action was taken, regardless of the employee's providing evidence in connection with a claim
552 for benefit under this chapter. An employing unit found to have threatened, coerced or taken
553 reprisal against any employee pursuant to this paragraph shall rescind any adverse alteration in
554 the terms of employment for such employee and shall offer reinstatement to any terminated
555 employee and shall also be liable for damages and costs of the suit, including a reasonable
556 attorney's fee.

557 SECTION 68. Section 53A of said chapter 151A, as so appearing, is hereby amended by
558 striking out, in line 5, the words "and (2)", and inserting in place thereof the following words:- ,
559 (2) withdrawn for payment of fees authorized under the Treasury Offset Program described in

560 section 14Q and paid to the Financial Management Service, a bureau of the Department of the
561 Treasury, and (3).

562 SECTION 69. Subsection (a) of section 62A of said chapter 151A, as so, is hereby
563 amended by adding the following paragraph:-

564 The department shall conduct at least 1 public hearing each year to seek the input of
565 employers in the commonwealth. The hearing shall be held at a time and location designated to
566 maximize employer participation. Not fewer than 20 days prior to a public hearing the
567 commissioner shall conspicuously post notice of the time and location of the hearing on the
568 official website of the department and send notice, electronically or otherwise, to: members of
569 the general court; every employer with an account with the department; the Massachusetts
570 Chamber of Commerce, Inc., the Greater Boston Chamber of Commerce; the Massachusetts
571 Taxpayers Association, Associated Industries of Massachusetts, Inc.; and the National
572 Federation of Independent Business.

573 SECTION 70. Section 69B of said chapter 151A, as so appearing, is hereby amended by
574 adding the following paragraph:

575 In addition to any other remedy provided by this chapter, the commissioner may request
576 that the amount payable to the department by an individual resulting from an overpayment of
577 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against
578 any federal tax refund payment owed such individual by the U.S. Department of Treasury, in
579 accordance with the requirements of the Treasury Offset Program pursuant to section 14Q.

580 SECTION 71. Section 33 of chapter 152 of the General Laws, as so appearing, is hereby
581 amended by striking out, in line 2, the words “four thousand dollars” and inserting in place
582 thereof the following words:- 8 times the average weekly wage in the commonwealth as
583 determined pursuant to subsection (a) of section 29 of chapter 151A.

584 SECTION 72. Notwithstanding section 14 of chapter 151A of the General Laws, for
585 calendar years 2015, 2016 and 2017 the experience rate of an employer qualifying therefor
586 under subsection (b) of section 14 of chapter 151A of the General Laws shall be the rate which
587 appears in column “C” of paragraph (1) of subsection (i) of said chapter 151A.

588 SECTION 73. The Department of Unemployment Insurance shall notify all employers of
589 the experience rate not later than January 31st of each calendar year.

590 SECTION 74. The department of unemployment assistance shall investigate the
591 feasibility of and design a pilot program to provide skills training internships with employers in
592 the commonwealth for residents who are unemployed and are receiving unemployment insurance
593 benefits under chapter 151A of the General Laws.

594 The department shall file a report with the clerks of the senate and house of
595 representatives, not later than June 30, 2015, which: (i) reviews existing federal and state laws,
596 regulations and policies governing eligibility for unemployment insurance, unpaid internships,
597 wages and hours and workers' compensation insurance; (ii) develops a pilot program, which
598 complies with applicable laws and regulations; (iii) outlines eligibility requirements for persons
599 and businesses to participate in the pilot program; (iv) investigates procedures to ensure that
600 interns do not displace or adversely affect the wages, hours or other benefits held by existing
601 employees; (v) recommends specific industries or businesses in the commonwealth for
602 participation in the pilot program; (vi) examines methods or incentives to encourage
603 participation in the pilot program; (vii) considers benchmarks and reporting standards to
604 measure successful outcomes; and (viii) explores any other measures it deems necessary for a
605 skills training internship pilot program, including the cost of implementation.

606 SECTION 75. (a) There shall be a special commission to conduct an investigation and
607 study of the activities and efficacy of the adjudication of unemployment insurance claims by the
608 department of unemployment assistance. The commission shall consist of the following 11
609 members: 2 members appointed by the state auditor, both of whom shall have experience with
610 the adjudication of unemployment disputes and 1 of whom shall serve as the chair; the house and
611 senate chairs of the joint committee on labor and workforce development; 1 member of the
612 senate or their designee, who shall be appointed by the minority leader of the senate; 1 member
613 of the house of representatives or their designee, who shall be appointed by the minority leader
614 of the house of representatives; the director of the department of unemployment assistance, or a
615 designee; the president of the Massachusetts Taxpayer's Foundation, or a designee; the executive
616 vice-president of the Massachusetts AFL-CIO, or a designee; an executive vice-president of

617 Associated Industries of Massachusetts, or a designee; and the executive director of the
618 Massachusetts Municipal Association, or a designee.

619 (b) The study shall include, but shall not be limited to: (1) the number of claims received
620 by the department of unemployment assistance quarterly since January 1, 2010 and the resulting
621 status of each claim, including, but not be limited to (i) the results of any initial determination
622 about the claim, (ii) the results of any appeal from the initial determination, (iii) the number of
623 rulings reversed through the appeals and review process, (iv) the number of claims arising under
624 clauses (1) and (2) of subsection (e) of section 25 of chapter 151A of the General Laws and (v)
625 the number of claims settled in favor of the claimant and in favor of the employer;

626 (2) the average length of time of the appeal and review process from initial determination
627 to final disposition;

628 (3) the procedures used by the department to hire and train new employees who
629 implement sections 39 through 41, inclusive, of said chapter 151A, including a determination as
630 to whether or not employment procedures, under section 9K of chapter 23 of the General Laws,
631 have been followed; and

632 (4) recommendations of the commission relative to: (i) procedures through which the
633 department may produce a quarterly report of the number of active claims and the status of said
634 claims to be posted on the department's website; (ii) procedures through which any current
635 backlog of cases may be fairly and efficiently resolved and avoided in future department
636 proceedings; (iii) procedures through which oversight and quality control principles may be
637 implemented to ensure the continuing prompt, equitable and transparent application of current
638 law by the commissioner and the board of review; (iv) a complete review of the current statutes
639 and regulations relative to the implementation of chapter 151A of the General Laws and any
640 recommendations as to possible legislative reforms and streamlined procedures, including, but
641 not limited to, recommendations and procedures for the uniform and effective implementation of
642 section 25 of said chapter 151A.

643 (c) The commission may request from all state agencies such information and assistance
644 as the commission may require. The commission shall report the results of its investigation and
645 study, together with drafts of legislation, if any, necessary to carry out its recommendations, by

646 filing the same with the clerks of the senate and house of representatives, who shall forward the
647 same to the joint committee on labor and workforce development and the house and senate
648 committees on ways and means on or before June 30, 2015. The report shall be made available to
649 the public on the general court's website.

650 SECTION 76. There shall be a special commission created to conduct an investigation
651 and a study on the impact of unemployment on: (i) unemployment claimants who are over the
652 age of 40; (ii) unemployment claimants experiencing long-term unemployment; and (iii)
653 unemployment claimants over the age of 40 experiencing long-term unemployment. For the
654 purposes of this section, the term "long-term unemployment" shall mean unemployment lasting
655 longer than 27 weeks.

656 The commission shall consist of 15 members: the house and senate chairs of the joint
657 committee on economic development and emerging technologies, who shall serve as co-chairs of
658 the commission; the house and senate chairs of the joint committee on labor and workforce
659 development; the secretary of labor and workforce development or a designee; the secretary of
660 housing and economic development or a designee; the secretary of elder affairs or a designee; a
661 representative of the federal reserve bank of Boston; the attorney general or a designee; a
662 representative of Operation A.B.L.E. of Greater Boston; a representative of the Massachusetts
663 Association of Chamber of Commerce Executives; 1 member who shall be appointed by the
664 governor who shall be a health care expert with a specialty in gerontology; a representative from
665 the National Association of Elder Law Attorneys or a designee; and 2 members associated with
666 universities, each of whom shall have expertise in economics and employment and 1 of whom
667 shall be appointed by the minority leader of the senate and 1 of whom shall be appointed by the
668 minority leader of the house of representatives. The commission shall consult with a
669 representative of a regional employment board for each county of the commonwealth, a
670 representative of the AARP, the United States department of labor, employment and training
671 division and the Sloan Center on Aging and Work at Boston College.

672 The study shall include, but not be limited to: (i) the economic and social cost of older,
673 long-term unemployed or both older and long-term unemployed workers; (ii) an analysis of the
674 unemployment system of the commonwealth specific to the effectiveness of existing laws and
675 programs in providing retraining or re-employment opportunities to older, long-term

676 unemployed or both older and long-term unemployed workers; (iii) the effect of the length of
677 unemployment on the older worker; and (iv) the likelihood that the older worker will be offered
678 job retraining opportunities and return to full employment. The commission shall make
679 recommendations for possible changes to programming for older, long-term unemployed or both
680 older and long-term unemployed workers, including an outline of possible pilot programs or
681 supplemental unemployment programs focused on older, long-term unemployed or both older
682 and long-term unemployed workers.

683 The commission shall report the results of its investigation and study, together with drafts
684 of legislation, if needed, to implement its recommendations, by filing the report with the clerks
685 of the senate and house of representatives, the joint committee on economic development and
686 emerging technologies, the joint committee on labor and workforce development, the joint
687 committee on elder affairs and the house and senate committees on ways and means, not later
688 than January 31, 2015.

689 SECTION 77. Sections 28, 31, 32, 33, 34, 48, 51, 52, 53, 54, 56, 57 and 72 shall take
690 effect on January 1, 2015.

691 SECTION 78. Sections 45, 46, 47, 49 and 50 shall take effect for unemployment
692 insurance rates calculated for the calendar year beginning January 1, 2018.

693 SECTION 79. Sections 29 and 35 shall take effect on January 1, 2016.

694 SECTION 80. Sections 30 and 36 shall take effect on January 1, 2017.

695 SECTION 81. Unless otherwise provided, this act shall take effect 6 months after the
696 effective date of this act.