

SENATE No. 2775

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

SENATE, June 22, 2020.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, Senate, No. 1060) of Viriato M. deMacedo for legislation relative to unemployment insurance benefits for replacement workers, reports recommending that the accompanying bill (Senate, No. 2775) ought to pass.

For the committee,
Patricia D. Jehlen

SENATE No. 2775

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to unemployment insurance benefits for replacement workers.

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. Paragraph (3) of subsection (d) of section 14 of chapter 151A of the
2 General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the
3 last sentence at line 135 the following sentence:-

4 Benefits which, in accordance with the provisions of this paragraph, would be charged to
5 an employer's account shall not be so charged but shall be charged to the solvency account in any
6 case where an employee, otherwise eligible for benefits under this chapter and hired as a result of
7 a covered individual taking leave under the provisions of chapter 175M, is subsequently
8 separated from that employment when the covered individual returns from leave.

9 SECTION 2. Section 2 of chapter 175M of the General Laws is hereby amended by
10 striking out subsection (f) and inserting in place thereof the following:-

11 (f) The taking of family or medical leave shall not affect an employee's right to accrue
12 vacation time, sick leave, bonuses, advancement, seniority, length-of-service credit or other
13 employment benefits, plans or programs. During the duration of an employee's family or

14 medical leave, the employer shall provide for, contribute to, or otherwise maintain the
15 employee's employment-related health insurance benefits, if any, at the level and under the
16 conditions coverage would have been provided if the employee had continued working
17 continuously for the duration of such leave.

18 SECTION 3. The definition of "covered business entity" in section 1 of chapter 175M of
19 the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking the
20 word "1099-MISC" appearing after the word "form" and before the word "for" and replacing it
21 with the words "1099-NEC, or any successor IRS form"; and the definition of "covered contract
22 worker" in section 1 of chapter 175M of the General Laws, as appearing in the 2018 Official
23 Edition, is hereby amended by striking the word "1099-MISC" appearing after the word "form"
24 and before the semicolon and replacing it with the words "1099-NEC, or any successor IRS
25 form".

26 SECTION 4. SECTION 3 shall take effect on January 1, 2021.