

HOUSE No. 1856

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

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 relative to WorkShare working better.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/9/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>1/24/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/25/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/9/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/27/2023</i>

HOUSE No. 1856

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 1856) of Josh S. Cutler and others relative to the WorkShare program and for the creation of a commission (including members of the General Court) to study the effectiveness of said program. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to WorkShare working better.

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 29D of chapter 151A of the General Laws is hereby amended by
2 inserting after subsection (k), the following subsection:-

3 (l) (1) Notwithstanding anything in this section to the contrary, when the commonwealth
4 determines an “on” indicator for extended benefits in accordance with Section 30A of this
5 chapter, the director shall have the authority to temporarily waive specific employer eligibility
6 requirements that are not required under the Federal Unemployment Tax Act, 26 U.S. C. § 3306
7 (v) or applicable federal regulations, including the requirement set forth in section B that an
8 employer hold a positive or neutral account reserve percentage as of the most recent computation
9 date to be eligible to participate.

10 (2) Temporary Waivers created under this section shall be operative for the lesser of: (i)
11 one year or (ii) the duration of the “on” indicator under section 30A. After the termination of a
12 temporary waiver, the department may file for another through the same process.

13 SECTION 2. Said Section 29D of said chapter 151A, as so appearing, is hereby further
14 amended by inserting after subsection (l), the following subsection:-

15 (m) No later than April 1 of each year the commissioner shall cause to be published a
16 report providing the following information concerning the workshare program over the previous
17 year: (i) The number of employers participating in the program; (ii) The number of employees
18 covered under an eligible worksharing plan; (iii) The number of weeks of state unemployment
19 insurance that have been claimed by workers under an eligible worksharing plan; (iv) The
20 amount of benefits paid to workers under an eligible worksharing plan; (v) Number of equivalent
21 full time weeks claimed by workers under eligible worksharing plans; (vi) a breakdown of the
22 industries of employers participating in the workshare program and the number of workers under
23 eligible plans in each industry; and (vii) a description of efforts undertaken to promote awareness
24 and utilization of the program. Said report shall be filed with the clerks of the house of
25 representatives and the senate, the joint committee on labor and workforce development and the
26 house and senate committees on ways and means.

27 SECTION 3. The executive office of labor and workforce development, or any
28 department or agency thereof designated by the executive office, shall establish a public
29 information campaign to educate and promote awareness of the WorkShare program among
30 eligible employers and industries. Said campaign shall include, but not be limited to: (1) the
31 distribution of print or digital promotional materials to employers about the program; (2)

32 collaboration with business representatives and organizations to hold regional meetings with
33 employers; (3) advertisements about the program on the executive office of labor and workforce
34 development website and social media; and (4) other steps that the secretary deems necessary to
35 promote the WorkShare program.

36 SECTION 4. (a) There shall be a special commission established pursuant to section 2A
37 of chapter 4 of the General Laws to study and develop recommendations on the future of the
38 WorkShare program established in section 29D of chapter 151A of the General Laws.

39 The commission shall consist of the following 14 members: the chairs of the joint
40 committee on labor and workforce development, who shall serve as co-chairs; 1 member
41 appointed by the minority leader of the house of representatives; 1 member appointed by the
42 minority leader of the senate; 2 members appointed by the secretary of labor and workforce
43 development; 2 members appointed by the Massachusetts Workforce Association; 1 member
44 appointed by the Massachusetts State Labor Council, AFL-CIO; 1 member appointed by the
45 Associated Industries of Massachusetts, Inc.; 1 member appointed by the Alliance for Business
46 Leadership, Inc.; 1 member appointed by the Massachusetts Restaurant Association, Inc.; 1
47 member appointed by the Black Economic Council of Massachusetts; and 1 member appointed
48 by the Retailers Association of Massachusetts, Inc.

49 (b) The commission shall study the effectiveness of the workshare program, including,
50 but not limited to: (i) barriers to entry that employers have found in trying to utilize the
51 workshare program; (ii) current program eligibility requirements as compared to the federal
52 requirements set forth in the Federal Unemployment Tax Act, 26 U.S. C. § 3306 (v); (iii) policies
53 and practices of other states that were particularly successful in scaling up engagement during

54 recent economic downturns; and (iv) options for improving awareness and utilization of the
55 workshare program among businesses and workers.

56 (c) The commission shall hold at least 1 public hearing and may hold additional hearings
57 as necessary at which members of the public shall have an opportunity to speak.

58 (d) Within two years of this act being signed into law, the commission shall file a report
59 on its findings and recommendations with the clerks of the house of representatives and the
60 senate, the joint committee on labor and workforce development and the house and senate
61 committees on ways and means.