

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~~identity, as
16 applicable.

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

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

23 “Department”, the department of labor standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90 (c) The council shall:

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

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

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

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

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

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

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

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

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

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

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

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

136 SECTION 25. Section 1 of chapter 62D of the General Laws, ~~as so appearing,~~ is hereby
137 amended by inserting after the definition of "~~Debtor~~," "
138 Department", inserted by section 61 of chapter 38 of the acts of 2013, the following definition:-

139 "Federal tax refund payment", any overpayment of federal taxes to be refunded to the
140 person making the overpayment after the Internal Revenue Service makes the appropriate credits
141 as provided in the Internal Revenue Code at 26 U.S.C. § 6402(a) and 26 CFR § 301.6402-
142 3(a)(6)(i) for any liabilities for any federal tax on the part of the person who made the
143 overpayment.

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

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

153 (b) The governor shall appoint an occupational health and safety hazard advisory board
154 consisting of: the secretary of labor and workforce development or a designee, who shall serve as
155 the co-chairperson; the personnel administrator or a designee, who shall serve as co-chairperson;
156 the director of the division of labor standards or a designee; the secretary of administration and
157 finance or a designee; the director of the office of employee relations or a designee; the
158 commissioner of public health or a designee; the director of industrial accidents or a designee; 4
159 representatives from labor unions representing the employees of the commonwealth; 1
160 representative from a community-based health and safety advocacy organization; and 1 member
161 of the faculty of the department of work environment at the University of Massachusetts, Lowell.
162 The advisory board shall evaluate injury and illness data, recommend training and

163 implementation of safety and health measures, monitor the effectiveness of safety and health
164 programs and determine where additional resources are needed to protect the safety and health of
165 employees of the commonwealth.

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

168 SECTION 27. Subsection (a) of section 189 of chapter 149 of the General Laws, inserted
169 by section 109 of chapter 38 of the acts of 2013, is hereby amended by striking out the figure
170 “.36” and inserting in place thereof the following figure:- .34.

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

174 SECTION 29. Said section 1 of said chapter 151 is hereby further amended by striking
175 out the figure “9.00”, inserted by section 28, and inserting in place thereof the following figure:-
176 10.00.

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

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

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

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

189 SECTION 34. Said section 7 of said chapter 151, as so appearing, is hereby further
190 amended by striking out, in lines 30 and 31, inclusive, the words “the cash wage required to be
191 paid such an employee on July 1, 1999” and inserting in place thereof the following figure:-
192 \$3.00.

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

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

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

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

210 | (~~dd~~) “Unemployment compensation debt” shall have the same meaning as “covered
211 unemployment compensation debt” in 26 U.S.C. § 6402(f)(4).

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

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

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

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

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

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

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

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

234 SECTION 45. ~~Subsection (a) of s~~Section 14 of said chapter 151A, as so appearing, is
235 hereby amended by striking out, in lines 39 and 40, the words “employer’s total taxable payroll
236 for the period of twelve consecutive months ending on” and inserting in place thereof the
237 following words:- average of the employer’s total taxable payroll for the 3 years prior to.

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

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

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

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

256 SECTION 49. Paragraph (1) of Ssubsection (h) of said section 14 of said chapter 151A,
257 as so appearing, is hereby amended by striking out, ~~in lines 166 and 167, the words “The~~
258 ~~commissioner shall determine each employer’s total taxable wages for the twelve months”~~ the
259 first sentence and inserting in place thereof the following ~~word~~sentence:- Tthe commissioner
260 shall determine each employer’s total taxable wages for the 3 year period immediately preceding
261 the applicable computation date for the purpose of determining the employer’s experience rate
262 for the next succeeding calendar year.

263 SECTION 50. Said subsection (h) of said section 14 of said chapter 151A, as so
 264 appearing, is hereby further amended by striking out, in lines 174 to 176, inclusive, the words
 265 “commissioner shall determine the total taxable wages of all employers in the commonwealth,
 266 whose experience rate is determined under paragraph (1) of subsection (i) during the calendar
 267 year” and inserting in place thereof the following words:- commissioner shall determine the total
 268 taxable wages of all employers in the commonwealth, whose experience rate is determined ~~under~~
 269 pursuant to paragraph (1) of subsection (i) for the 3 year period.

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

273 SECTION 52. Said paragraph (1) of said subsection (i) of said section 14 of said chapter
 274 151A, as so appearing, is hereby further amended by striking out the table and inserting in place
 275 thereof the following table:-

EXPERIENCE RATE TABLE

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

VERSION AS CORRECTED BY THE COMMITTEES ON BILLS IN THE THIRD READING, ACTING JOINTLY

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

VERSION AS CORRECTED BY THE COMMITTEES ON BILLS IN THE THIRD READING, ACTING JOINTLY

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

276 ~~EXPERIENCE RATE TABLE~~

277 ~~UNEMPLOYMENT COMPENSATION FUND RESERVE PERCENTAGE~~

278 ~~A B C D E F G~~

279 ~~1.65% and over 1.5% or more but less than 1.65% 1.2% or more but less~~

280 ~~than 1.5% 0.9% or more but less than 1.2% 0.6% or more but less than 0.9% 0.3%~~

281 ~~or more but less than 0.6% less than 0.3%~~

282 ~~Employer Account Reserve Percentage~~

283 ~~POS % 17 or more 0.56 0.64 0.73 0.83 0.94 1.07 1.21~~

284 ~~16.0 0.64 0.73 0.83 0.95 1.08 1.22 1.39~~

VERSION AS CORRECTED BY THE COMMITTEES ON BILLS IN THE THIRD READING, ACTING JOINTLY

285	15.0	0.73	0.83	0.94	1.07	1.21	1.38	1.57
286	14.0	0.81	0.92	1.04	1.18	1.34	1.53	1.73
287	13.5	0.97	1.10	1.25	1.42	1.61	1.83	2.08
288	13.0	1.05	1.19	1.35	1.54	1.75	1.99	2.26
289	12.5	1.13	1.28	1.46	1.66	1.89	2.14	2.43
290	12.0	1.21	1.37	1.56	1.77	2.01	2.29	2.60
291	11.5	1.29	1.47	1.67	1.89	2.15	2.45	2.78
292	11.0	1.37	1.56	1.77	2.01	2.29	2.6	2.96
293	10.5	1.45	1.65	1.87	2.13	2.42	2.75	3.12
294	10.0	1.53	1.74	1.98	2.25	2.56	2.91	3.3
295	9.5	1.61	1.83	2.08	2.36	2.69	3.05	3.47
296	9.0	1.7	1.93	2.19	2.49	2.82	3.21	3.65
297	8.5	1.78	2.02	2.29	2.61	2.96	3.37	3.82
298	8.0	1.85	2.10	2.39	2.72	3.09	3.51	3.99
299	7.5	1.94	2.20	2.5	2.84	3.23	3.67	4.17
300	7.0	2.02	2.30	2.61	2.96	3.37	3.82	4.35
301	6.5	2.09	2.38	2.71	3.08	3.50	3.97	4.51
302	6.0	2.17	2.47	2.81	3.20	3.63	4.13	4.69
303	5.5	2.25	2.56	2.91	3.31	3.76	4.28	4.86
304	5.0	2.34	2.66	3.02	3.43	3.90	4.43	5.04
305	4.5	2.42	2.75	3.13	3.55	4.04	4.59	5.21
306	4.0	2.50	2.84	3.23	3.67	4.17	4.74	5.38
307	3.5	2.58	2.93	3.33	3.79	4.30	4.89	5.56
308	3.0	2.67	3.03	3.44	3.91	4.44	5.05	5.74
309	2.5	2.75	3.12	3.54	4.02	4.57	5.20	5.90

310	2.0	2.82	3.21	3.65	4.14	4.71	5.35	6.08
311	1.5	2.9	3.3	3.75	4.26	4.84	5.50	6.25
312	1.0	2.98	3.39	3.85	4.38	4.98	5.65	6.43
313	0.5	3.06	3.48	3.96	4.5	5.11	5.81	6.60
314	0.0	3.14	3.57	4.06	4.61	5.24	5.96	6.77
315	_____							
316	NEG % 0.0 or less	4.22	4.79	5.45	6.19	7.03	7.99	9.08
317	1.0	4.58	5.21	5.92	6.72	7.64	8.68	9.86
318	3.0	4.95	5.63	6.39	7.27	8.26	9.38	10.66
319	5.0	5.32	6.04	6.86	7.8	8.86	10.07	11.44
320	7.0	5.68	6.46	7.34	8.34	9.48	10.77	12.23
321	9.0	6.05	6.87	7.81	8.88	10.09	11.46	13.02
322	11.0	6.42	7.29	8.29	9.42	10.70	12.16	13.81
323	13.0	6.78	7.71	8.76	9.95	11.31	12.85	14.6
324	15.0	7.15	8.13	9.24	10.49	11.93	13.55	15.39
325	17.0	7.52	8.54	9.71	11.03	12.53	14.24	16.18
326	19.0	7.88	8.96	10.18	11.57	13.15	14.94	16.97
327	21.0	8.25	9.37	10.65	12.11	13.76	15.63	17.76
328	23.0 or less	8.62	9.79	11.13	12.65	14.37	16.33	18.55

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

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

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

336 SECTION 56. Section 14L of said chapter 151A, as so appearing, is hereby amended by
337 striking out, in line 4, the figure “0.075” and inserting in place thereof the following figure:-
338 0.056.

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

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

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

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

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

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

364 An agency or instrumentality of the commonwealth shall not enter into, renew or extend
365 a contract or agreement with any employer to provide goods, services or physical space that has
366 a maximum obligation or value greater than \$5,000 to ~~thesueh~~ agency or instrumentality or
367 authorize any tax credit ~~under-pursuant to~~ chapters 62 ~~and-or~~ 63 in excess of \$5,000 unless the
368 employer has submitted a certificate of compliance issued by the department showing that it is
369 current in all its obligations relating to contributions, payments in lieu of contributions and the
370 employer medical assistance contribution established in section 189 of chapter 149.

371 SECTION 61. Section 24A of said chapter 151A, as so appearing, is hereby amended by
372 striking out, in line 25, the word “sixteen” and inserting in place thereof the following figure:-
373 20.

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

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

388 SECTION 64. Said chapter 151A is hereby further amended by inserting after section
389 28A the following section:-

390 Section 28B. If an employee, who is a corporate officer, partner or owner of an
391 employing unit, or is a person who has more than a 5 per cent equitable or debt interest in an
392 employing unit or is an immediate family member of such individuals, receives an
393 unemployment benefit ~~under pursuant to~~ this chapter and, during the same benefit year, resumes
394 or returns to work for the same employing unit, then the ~~division-department~~ may determine that
395 the employee’s unemployment was due to circumstances within the employee’s control and may
396 seek repayment of any overpaid benefits.

397 SECTION 65. Subsection (b) of section 29 of said chapter 151A, as appearing in the
398 2012 Official Edition, is hereby amended by adding the following sentence:- Nothing in this
399 subsection shall cause a full denial of benefits solely because an individual left a part time job,
400 which supplemented primary full-time employment, during the individual’s base period prior to
401 being deemed in partial unemployment.

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

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

406 “Affected unit”, a specified plant, department, shift or other definable unit that includes 2
407 or more workers to which an approved worksharing plan applies.

408 “Director”, the director of the department or the director's authorized representative.

409 “Health and retirement benefits”, health benefits, and retirement benefits provided by an
410 employer under a defined benefit pension plan as defined in 26 U.S.C. section 414(j) ~~of the~~
411 ~~Internal Revenue Code~~, or contributions under a defined contribution plan as defined in section
412 26 U.S.C. 414(i) ~~of said Code~~, which are incidents of employment in addition to the cash
413 remuneration earned.

414 ~~“Unemployment compensation”, the unemployment benefits payable under this chapter~~
415 ~~other than worksharing benefits, including any amounts payable pursuant to an agreement under~~
416 ~~any Federal law providing for compensation, assistance or allowances with respect to~~
417 ~~unemployment.~~

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

421 “Worksharing benefits”, the unemployment benefits payable to employees in an affected
422 unit under an approved worksharing plan, as distinguished from the unemployment benefits
423 otherwise payable under the unemployment compensation provisions of this chapter.

424 “Worksharing plan”, a plan submitted by an employer, for approval by the director, under
425 which the employer requests the payment of worksharing benefits to workers in an affected unit
426 of the employer to avert layoffs.

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

430 ~~“Unemployment compensation”, the unemployment benefits payable under this chapter~~
431 ~~other than worksharing benefits, including any amounts payable pursuant to an agreement under~~
432 ~~any Federal law providing for compensation, assistance or allowances with respect to~~
433 ~~unemployment.~~

434 (b) An employer wishing to participate in a worksharing program shall submit a signed
435 written worksharing plan and application form to the director for approval; provided, however,
436 that an employer having an account reserve percentage that is negative as of the most recent
437 computation date shall not be eligible to participate. The director shall develop an application
438 form to request approval of a worksharing plan and an approval process. Any application,
439 whether for initial approval, approval following 1 or more disapprovals, for modification or for
440 participation in another worksharing plan after the expiration or termination of an approved plan,

441 shall include: (1) The affected unit or units covered by the plan, including the number of full-
442 time or part-time workers in such unit, the percentage of workers in the affected unit covered by
443 the plan, identification of each individual employee in the affected unit by name, social security
444 number and the employer's unemployment tax account number, and any other information
445 required by the director to identify plan participants.

446 (2) A description of how workers in the affected unit will be notified of the employer's
447 participation in the worksharing program if such application is approved, including how the
448 employer will notify those workers in a collective bargaining unit, as well as any workers in the
449 affected unit who are not in a collective bargaining unit. If the employer will not provide
450 advance notice to workers in the affected unit, the employer shall explain in a statement in the
451 application why it is not feasible to provide such notice.

452 (3) A requirement that the employer identify the usual weekly hours of work for
453 employees in the affected unit and the specific percentage by which their hours will be reduced
454 during all weeks covered by the plan. An application shall specify the percentage of reduction for
455 which a worksharing application may be approved which shall be not less than 10 per cent and
456 not more than 60 per cent. If the plan includes any week for which the employer regularly
457 provides no work due to a holiday or other plant closing, then such week shall be identified in
458 the application.

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

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

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

474 (5) Certification by the employer that the aggregate reduction in work hours is in lieu of
475 temporary or permanent layoffs, or both. The application shall include an estimate of the number
476 of workers who would have been laid off in the absence of the worksharing plan. The plan shall

477 not serve as a subsidy of seasonal employment during the off season, nor as a subsidy of
478 temporary part-time or intermittent employment.

479 | (6) Agreement by the employer to: (i) furnish reports to the director relating to the proper
480 | conduct of the plan; (ii) allow the director or the director's authorized representatives access to
481 | all records necessary to approve or disapprove the plan application, and after approval of a plan,
482 | to monitor and evaluate the plan; and (iii) follow any other directives the director deems
483 | necessary for the agency to implement the plan and that are consistent with the requirements for
484 | plan applications.

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

488 | (8) The effective date and duration of the plan, ~~which that~~ shall expire not later than the
489 | end of the twelfth full calendar month after the effective date.

490 (9) The written approval by the collective bargaining agent for each collective bargaining
491 | agreement for each affected unit ~~is~~ included in the plan.

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

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

498 (d) A worksharing plan shall be effective on the date that is mutually agreed upon by the
499 employer and the director, which shall be specified in the notice of approval to the employer.
500 The plan shall expire on the date specified in the notice of approval, which shall be either the
501 date at the end of the twelfth full calendar month after its effective date or an earlier date
502 mutually agreed upon by the employer and the director; provided, however, that if a worksharing
503 plan is revoked by the director pursuant to subsection (e), the plan shall terminate on the date
504 specified in the director's written order of revocation. An employer may terminate a worksharing
505 plan at any time upon written notice to the director. Upon receipt of such notice from the
506 employer, the director shall promptly notify each employee of the affected unit of the
507 termination date. An employer may submit a new application to participate in another
508 worksharing plan at any time after the expiration or termination date.

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

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

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

523 The director may approve a request for modification of the plan based on conditions that
524 have changed since the plan was approved; provided that the modification is consistent with and
525 supports the purposes for which the plan was initially approved. A modification ~~does~~ shall not
526 extend the expiration date of the original plan, and the director shall promptly notify the
527 employer whether the plan modification has been approved and, if approved, the effective date of
528 the modification.

529 ~~No~~ An employer ~~is not~~ shall be required to request approval of a plan modification from
530 the director if the change is not substantial, but the employer shall report every change to the
531 plan to the director promptly and in writing. The director may terminate an employer's plan if
532 the employer fails to meet this reporting requirement. If the director determines that the reported
533 change is substantial, the director shall require the employer to request a modification to the
534 plan.

535 (g) An individual ~~is may~~ eligible to receive worksharing benefits ~~with respect to~~ for any
536 ~~any~~ week ~~only if provided, that~~ the individual is monetarily eligible for unemployment
537 compensation, not otherwise disqualified for unemployment compensation and:

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

541 (2) Notwithstanding any ~~other~~ provisions of this chapter ~~relating~~ related to availability for
542 work and actively seeking work, the individual is available for the individual's usual hours of
543 work with the worksharing employer, which may include, for purposes of this section,
544 participating in training to enhance job skills that is approved by the director such as employer-
545 sponsored training or training funded under the Workforce Investment Act of 1998, Public Law
546 105-220.

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

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

554 (2) An individual may be eligible for worksharing benefits or unemployment
555 compensation, as appropriate, except that no individual shall be eligible for combined benefits in
556 any benefit year in an amount more than the maximum entitlement established for regular
557 unemployment compensation, nor shall an individual be paid worksharing benefits for more than
558 52 weeks under a worksharing plan.

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

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

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

568 (i) If the combined hours of work in a week for both employers does not result in a
569 reduction of at least 10 per cent or, if higher, the minimum percentage of reduction required to be
570 eligible for a worksharing benefit as provided in this section, of the usual weekly hours of work
571 with the worksharing employer, the individual shall not be entitled to benefits under this
572 ~~paragraph~~section.

573 (ii) If the combined hours of work for both employers results in a reduction equal to or
574 greater than 10 per cent; or, if higher, the minimum percentage reduction required to be eligible
575 for a worksharing benefit as provided in state law, of the usual weekly hours of work for the
576 worksharing employer, the worksharing benefit amount payable to the individual ~~is~~shall be
577 reduced for that week and ~~is~~shall be determined by multiplying the weekly unemployment
578 benefit amount for a week of total unemployment by the percentage by which the combined
579 hours of work have been reduced by 10 per cent or, if higher, the minimum percentage reduction
580 required to be eligible for a worksharing benefit as provided in this section, or more of the
581 individual's usual weekly hours of work. A week for which benefits are paid under this clause
582 shall be reported as a week of worksharing.

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

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

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

597 (i) Worksharing benefits shall be charged to employers' experience rating accounts in the
598 same manner as unemployment compensation is charged ~~under pursuant to~~ this chapter.
599 Employers liable for payments in lieu of contributions shall have worksharing benefits attributed
600 to service in their employ in the same manner as unemployment compensation is attributed.

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

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

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

612 The receipt of any notice of termination of employment or of any substantial alteration in
613 the terms of employment within 6 months after an employee has provided evidence in
614 connection with a claim for benefits under this chapter, or has testified at any hearing conducted
615 under ~~any provision of~~ this chapter, shall create a rebuttable presumption that such notice or
616 other action is a reprisal against the employee for providing evidence. Such presumption shall be
617 rebutted only by clear and convincing evidence that such employer's action was not a reprisal
618 against the employee and that the employer had sufficient independent justification for taking

619 such action, and would have in fact taken such action, in the same manner and at the same time
620 the action was taken, regardless of the employee's providing evidence in connection with a claim
621 for benefit under this chapter. An employing unit found to have threatened, coerced or taken
622 reprisal against any employee pursuant to this paragraph shall rescind any adverse alteration in
623 the terms of employment for such employee and shall offer reinstatement to any terminated
624 employee and shall also be liable for damages and costs of the suit, including a reasonable
625 attorney's fee.

626 SECTION 68. Section 53A of said chapter 151A, as so appearing, is hereby amended by
627 striking out, in line 5, the words "and (2)", and inserting in place thereof the following words:- ,
628 | (2) withdrawn for payment of fees authorized under the ~~F~~treasury ~~O~~ffset ~~P~~rogram described in
629 section 14Q and paid to the Financial Management Service, a bureau of the Department of the
630 Treasury, and (3).

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

633 The department shall conduct at least 1 public hearing each year to seek the input of
634 employers in the commonwealth. The hearing shall be held at a time and location designated to
635 maximize employer participation. Not fewer than 20 days prior to a public hearing the
636 commissioner shall conspicuously post notice of the time and location of the hearing on the
637 official website of the department and send notice, electronically or otherwise, to: members of
638 the general court; every employer with an account with the department; the Massachusetts
639 Chamber of Commerce, Inc., the Greater Boston Chamber of Commerce; the Massachusetts
640 Taxpayers Association, Associated Industries of Massachusetts, Inc.; and the National
641 Federation of Independent Business.

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

644 In addition to any other remedy provided by this chapter, the commissioner may request
645 that the amount payable to the department by an individual resulting from an overpayment of
646 unemployment benefits which has become final as specified in 430 CMR 6.12 be set off against
647 | any federal tax refund payment owed such individual by the ~~United -States-~~ Department of
648 | Treasury, in accordance with the requirements of the ~~F~~treasury ~~O~~ffset ~~P~~rogram pursuant to
649 section 14Q.

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

654 SECTION 72. Notwithstanding section 14 of chapter 151A of the General Laws, for
655 calendar years 2015, 2016 and 2017 the experience rate of an employer qualifying therefor
656 under subsection (b) of said section 14 of said chapter 151A ~~of the General Laws~~ shall be the rate
657 which appears in column "C" of paragraph (1) of subsection (i) of said section 14 of said chapter
658 151A.

659 SECTION 73. The ~~D~~department of ~~U~~unemployment ~~Insurance~~ assistance shall notify all
660 employers of the experience rate not later than January 31st of each calendar year.

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

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

677 SECTION 75. (a) There shall be a special commission to conduct an investigation and
678 study of the activities and efficacy of the adjudication of unemployment insurance claims by the
679 department of unemployment assistance. The commission shall consist of the following 11
680 members: 2 members appointed by the state auditor, both of whom shall have experience with
681 the adjudication of unemployment disputes and 1 of whom shall serve as the chair; the house and
682 senate chairs of the joint committee on labor and workforce development; 1 member of the
683 senate or their designee, who shall be appointed by the minority leader of the senate; 1 member
684 of the house of representatives or their designee, who shall be appointed by the minority leader
685 of the house of representatives; the director of the department of unemployment assistance, or a
686 designee; the president of the Massachusetts Taxpayer's Foundation, or a designee; the executive
687 vice-president of the Massachusetts AFL-CIO, or a designee; an executive vice-president of
688 Associated Industries of Massachusetts, or a designee; and the executive director of the
689 Massachusetts Municipal Association, or a designee.

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

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

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

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

714 (c) The commission may request from all state agencies such information and assistance
715 as the commission may require. The commission shall report the results of its investigation and
716 study, together with drafts of legislation, if any, necessary to carry out its recommendations, by
717 filing the same with the clerks of the senate and house of representatives, who shall forward the
718 same to the joint committee on labor and workforce development and the house and senate
719 committees on ways and means on or before June 30, 2015. The report shall be made available to
720 the public on the general court's website.

721 SECTION 76. There shall be a special commission ~~created~~ to conduct an investigation
722 and ~~a~~ study on the impact of unemployment on: (i) unemployment claimants who are over the
723 age of 40; (ii) unemployment claimants experiencing long-term unemployment; and (iii)
724 unemployment claimants over the age of 40 experiencing long-term unemployment. For the
725 purposes of this section, the term "long-term unemployment" shall mean unemployment lasting
726 longer than 27 weeks.

727 The commission shall consist of 15 members: the house and senate chairs of the joint
728 committee on economic development and emerging technologies, who shall serve as co-chairs of
729 the commission; the house and senate chairs of the joint committee on labor and workforce
730 development; the secretary of labor and workforce development or a designee; the secretary of
731 housing and economic development or a designee; the secretary of elder affairs or a designee; a
732 | representative of the ~~F~~federal ~~R~~eserve ~~b~~ank of Boston; the attorney general or a designee; a
733 representative of Operation A.B.L.E. of Greater Boston; a representative of the Massachusetts
734 Association of Chamber of Commerce Executives; 1 member who shall be appointed by the
735 governor who shall be a health care expert with a specialty in gerontology; a representative from
736 the National Association of Elder Law Attorneys or a designee; and 2 members associated with
737 | universities, each of whom shall have expertise in economics and employment, ~~and~~-1 of whom
738 shall be appointed by the minority leader of the senate and 1 of whom shall be appointed by the
739 minority leader of the house of representatives. The commission shall consult with a
740 representative of a regional employment board for each county of the commonwealth, a
741 | representative of the AARP, the United States ~~e~~Department of ~~L~~abor, ~~e~~Employment and
742 ~~T~~training ~~division~~ Administration and the Sloan Center on Aging and Work at Boston College.

743 The study shall include, but not be limited to: (i) the economic and social cost of older,
744 long-term unemployed or both older and long-term unemployed workers; (ii) an analysis of the
745 unemployment system of the commonwealth specific to the effectiveness of existing laws and
746 programs in providing retraining or re-employment opportunities to older, long-term
747 unemployed or both older and long-term unemployed workers; (iii) the effect of the length of
748 unemployment on the older worker; and (iv) the likelihood that the older worker will be offered
749 job retraining opportunities and return to full employment. The commission shall make
750 recommendations for possible changes to programming for older, long-term unemployed or both
751 older and long-term unemployed workers, including an outline of possible pilot programs or
752 supplemental unemployment programs focused on older, long-term unemployed or both older
753 and long-term unemployed workers.

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

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

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

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

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

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