

HOUSE No. 01410

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act modernizing and protecting the unemployment insurance system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Sean Curran</i>	<i>9th Hampden</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>

HOUSE No. 01410

By Mr. Martin J. Walsh of Boston, petition (accompanied by bill, House, No. 01410) of Denise Provost and others relative to unemployment insurance. Joint Committee on Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act modernizing and protecting the unemployment insurance system.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1(w) of chapter 151A of the General Laws is hereby amended by inserting
2 after the word “quarter” in the first sentence, the following words:--
3 ; provided further, that if the individual has worked for 15 or more weeks and such deeming
4 renders the individual ineligible for unemployment benefits, the amount shall be equal to one
5 twenty-sixth of the total wages.

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

8 “Unemployment insurance taxable wage base”, with respect to calendar years beginning on or
9 after January 1, 2013, the term “unemployment insurance taxable wage base” shall mean not
10 less than \$20,900 and shall be adjusted yearly thereafter in an amount that represents the
11 percentage increase in the maximum weekly benefit amount as determined in section 29(a.)

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

16 and has earned an amount equivalent to or in excess of eight times the individual’s weekly
17 benefit amount after the individual has left work.

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

20 SECTION 5. Section 29(b) of said chapter 151A is hereby amended by adding at the end thereof
21 the following sentence:--

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

24 SECTION 6. Section 47 of said chapter 151A is hereby amended by inserting after the fourth
25 paragraph the following paragraph:-

26 The receipt of any notice of termination of employment or of any substantial alteration in the
27 terms of employment within six months after an employee has provided evidence in connection
28 with a claim for benefits under this chapter, or has testified at any hearing conducted under any
29 provision of this chapter, shall create a rebuttable presumption that such notice or other action is
30 a reprisal against the employee for providing evidence. Such presumption shall be rebutted only
31 by clear and convincing evidence that such employer's action was not a reprisal against the
32 employee and that the employer had sufficient independent justification for taking such action,

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

40 SECTION 7. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking
41 out the second paragraph and inserting in place thereof the following paragraph:-

42 Notice of any such redetermination shall be promptly given to the parties entitled to notice of the
43 original determination, in the manner prescribed in this chapter with respect to notice of an
44 original determination. If the amount of benefits would be increased upon such redetermination
45 an appeal therefrom solely with respect to the matters involved in such increase may be filed in
46 the manner and subject to the limitations provided in sections 39 to 40, inclusive. If the amount
47 of benefits would be decreased upon such redetermination, the matters involved in such decrease
48 shall be subject to review in connection with an appeal by the claimant thereon or from any
49 determination upon a subsequent claim for benefits which may be affected in amount or duration
50 by such redetermination. Any proposed decrease or increase of the amount of benefits based
51 upon such a redetermination shall not take effect if any party seeks timely review in accordance
52 with section 39(b). Subject to the same limitations and for the same reasons, the commissioner
53 may reconsider the determination in any case in which a decision has been rendered by the board
54 of review or a court, and may apply to said board or such court which rendered such decision to

55 revoke or modify such decision and the board of review or court may affirm, modify or revoke
56 such decision.

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