

HOUSE No. 4988

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to protect locked out employees.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect employees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. (a) As used in this section the following terms shall, unless the context
2 requires otherwise, have the following meanings:-

3 “Director”, director of the department of unemployment assistance established pursuant
4 to section 1 of chapter 151A of the General Laws.

5 “Employer”, an electric company or gas company as defined by section 1 of chapter 164,
6 which is required to pay a contribution under subsection (i) of section 14 of said chapter 151A.

7 “Secretary”, the secretary of labor and workforce development established pursuant to
8 section 1 of chapter 23 of the General Laws.

9 (b) Notwithstanding any general or special law to the contrary, the secretary, in
10 consultation with the director, shall establish a benefit program for any individual who is

11 involuntarily unemployed during the period of the negotiation of a collective bargaining contract
12 because of an employer's lockout.

13 (c) Any individual eligible for benefits under section 24 of chapter 151A shall, upon the
14 exhaustion of all rights to regular and extended benefits under chapter 151A and who has no
15 rights to benefits or compensation under chapter 151A or any other state unemployment
16 compensation law or under federal law, be eligible for benefits payable from the program
17 established by the secretary under subsection (b) at the same weekly benefit rate as provided for
18 under section 29 of chapter 151A, until the resolution of the lockout, but in no event beyond the
19 date of the commencement of a strike. No benefits shall be paid to an individual pursuant to
20 subsection (b) who is disqualified from benefits under section 25 of chapter 151A.

21 (d) The director shall assess each employer at a rate equal to the employer's contribution
22 rate required by subsection (i) of section 14 of said chapter 151A; provided, that the costs of
23 compliance with this section shall not be borne by ratepayers of an employer. The director shall
24 seek reimbursement from employers for all costs and expenses associated with the costs of
25 implementation of the program in addition to the costs of benefits payable pursuant to subsection
26 (c). Each employer shall be assessed monthly, in a manner to be determined by the director;
27 provided, that the director may utilize, for the purposes of implementation of the program, the
28 existing unemployment insurance trust fund, if appropriate.

29 (e) The secretary may, in consultation with the director, take any action required for the
30 administration and enforcement of this section.