

SENATE No. 2004

Text of amendment #23 to S2001 (Senator Tarr)

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

Text of amendment #23 to S2001 (Senator Tarr).

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

1 **Increasing Economic Opportunities by Reforming Unemployment Insurance**

2 Mr. Tarr moves to amend the bill (Senate, No. 2001) by striking all after the enacting
3 clause and inserting in place thereof the following text:-

4 SECTION 1. Section 6A of chapter 151A of the General Laws, as appearing in the 2012
5 Official Edition, is hereby amended by inserting after subsection (6) the following :-

6 (7) an election official or election worker if the amount of remuneration received by the
7 individual during the calendar year for services as an election official or election worker is less
8 than \$1000.”

9 SECTION 2. Section 14 of chapter 151A of the General Laws, as appearing in the 2012
10 Official Edition, is hereby amended by inserting in the definition of “reserve percentage”, after
11 the word “date” in line 57, the following words:- provided, however, that not less than 6 months
12 before the computation date, the commissioner shall make available on its website and distribute
13 to employers an assessment of the projected unemployment compensation fund reserve
14 percentage for the upcoming calendar year.

15 SECTION 3. Subsection (h) of Section 14 of chapter 151A of the General Laws, as
16 appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

17 (4) For the purposes of determining the annual statewide contribution schedule provided
18 for in subsection (i), any determination that the schedule will yield a column resulting in
19 increased employer contributions shall be approved by the general court and communicated to
20 employers not less than 120 days prior to the first contribution under said increased schedule
21 being due.

22 SECTION 4. Paragraph (l) of subsection (i) of said section 14 of said chapter 151A, as
 23 so appearing, is hereby amended by striking out, in line 187 and 188, the date “January 1, 2004”
 24 and inserting in place thereof the following date:- January 1, 2015

25 SECTION 5. Said paragraph (l) of said subsection (i) of said section 14 of said chapter
 26 151A, as so appearing, is hereby further amended by striking out the table and inserting in place
 27 thereof the following table:-

Experience Rate Table							
Unemployment compensation fund reserve percentage							
	A	B	C	D	E	F	G
	1.75% and over	1.6% or more but less than 1.75%	1.4% or more but less than 1.6%	1.1% or more but less than 1.4%	0.8% or more but less than 1.1%	0.5% or more but less than 0.8%	less than 0.5%
Negative							
Percentage							
23 or more	9.40	10.53	11.79	13.21	14.79	16.57	18.55
21	9.00	10.08	11.29	12.64	14.16	15.86	17.76
19	8.60	9.63	10.79	12.08	13.53	15.16	16.97
17	8.20	9.18	10.29	11.52	12.90	14.45	16.19
15	7.80	8.74	9.78	10.96	12.27	13.75	15.40
13	7.40	8.29	9.28	10.40	11.64	13.04	14.61
11	7.00	7.84	8.78	9.83	11.01	12.34	13.82
9	6.60	7.39	8.28	9.27	10.39	11.63	13.03
7	6.20	6.94	7.78	8.71	9.76	10.93	12.24
5	5.80	6.50	7.28	8.15	9.13	10.22	11.45
3	5.40	6.05	6.77	7.59	8.50	9.52	10.66
1	5.00	5.60	6.27	7.02	7.87	8.81	9.87
0 but < 1	4.60	5.15	5.77	6.46	7.24	8.11	9.08
Positive							
Percentage							
0 but < 0.5	3.90	4.37	4.89	5.48	6.14	6.87	7.70
0.5	3.80	4.26	4.77	5.34	5.98	6.70	7.50
1	3.70	4.14	4.64	5.20	5.82	6.52	7.30
1.5	3.60	4.03	4.52	5.06	5.66	6.34	7.11
2	3.50	3.92	4.39	4.92	5.51	6.17	6.91
2.5	3.40	3.81	4.26	4.78	5.35	5.99	6.71
3	3.30	3.70	4.14	4.64	5.19	5.82	6.51
3.5	3.20	3.58	4.01	4.50	5.04	5.64	6.32
4	3.10	3.47	3.89	4.36	4.88	5.46	6.12
4.5	3.00	3.36	3.76	4.21	4.72	5.29	5.92
5	2.90	3.25	3.64	4.07	4.56	5.11	5.72
5.5	2.80	3.14	3.51	3.93	4.41	4.93	5.53
6	2.70	3.02	3.39	3.79	4.25	4.76	5.33
6.5	2.60	2.91	3.26	3.65	4.09	4.58	5.13
7	2.50	2.80	3.14	3.51	3.93	4.41	4.93
7.5	2.40	2.69	3.01	3.37	3.78	4.23	4.74
8	2.30	2.58	2.89	3.23	3.62	4.05	4.54
8.5	2.20	2.46	2.76	3.09	3.46	3.88	4.34
9	2.10	2.35	2.63	2.95	3.30	3.70	4.15
9.5	2.00	2.24	2.51	2.81	3.15	3.52	3.95
10	1.90	2.13	2.38	2.67	2.99	3.35	3.75
10.5	1.80	2.02	2.26	2.53	2.83	3.17	3.55
11	1.70	1.90	2.13	2.39	2.67	3.00	3.36
11.5	1.60	1.79	2.01	2.25	2.52	2.82	3.16
12	1.50	1.68	1.88	2.11	2.36	2.64	2.96
12.5	1.40	1.57	1.76	1.97	2.20	2.47	2.76
13	1.30	1.46	1.63	1.83	2.05	2.29	2.57
13.5	1.20	1.34	1.51	1.69	1.89	2.11	2.37
14	1.00	1.12	1.25	1.40	1.57	1.76	1.97
15	0.90	1.01	1.13	1.26	1.42	1.59	1.78
16	0.80	0.90	1.00	1.12	1.26	1.41	1.58
17	0.70	0.78	0.88	0.98	1.10	1.23	1.38
18	0.60	0.67	0.75	0.84	0.94	1.06	1.18
19	0.50	0.56	0.63	0.70	0.79	0.88	0.99
20	0.40	0.45	0.50	0.56	0.63	0.70	0.79
25	0.30	0.34	0.38	0.42	0.47	0.53	0.59
30	0.20	0.22	0.25	0.28	0.31	0.35	0.39
35 or more	0.10	0.11	0.13	0.14	0.16	0.18	0.20

28 SECTION 6. Section 14F of chapter 151A of the General Laws, as appearing in the 2012
29 Official Edition, is hereby amended by inserting, in line 29, after the word “effect”, the following
30 words:- ; and provided further, however, that any requirement that employers will have to
31 contribute from a column in the annual statewide contribution schedule that results in increased
32 contributions shall be approved by the general court and communicated to employers not less
33 than 120 days prior to the first contribution under said increased schedule being due.

34 SECTION 7. Said Section 14F of said chapter 151A of the General Laws, as so
35 appearing, is hereby further amended by adding the following sentence:- All reports required by
36 this section shall be made prominently available on the website of the department of
37 unemployment assistance.

38 “SECTION 8. Said chapter 151A of the General Laws, as so appearing, is hereby
39 amended by inserting after section 14P the following section:-

40 Section 14Q. Treasury Offset Program. The commissioner may enter into an agreement
41 with the Secretary of the Department of Treasury, under the provisions of 26 U.S.C. § 6402 (f)
42 and 31 CFR § 285.8, to transmit valid, unpaid, and overdue unemployment compensation debts
43 to the Financial Management Service, a bureau of the U.S. Department of the Treasury, for
44 collection by offset of Federal tax refund payments through the Treasury Offset Program. If the
45 commissioner chooses to participate in the Treasury Offset Program to recover unemployment
46 compensation debt, the commissioner shall adhere to all rules, policies, and guidance as required
47 by the U.S. Department of the Treasury and the U.S. Department of Labor in implementing and
48 administering the program. The commissioner may promulgate such regulations as needed to
49 implement this section.”

50 SECTION 9. Section 15 of said chapter 151A of the General Laws, as so appearing, is
51 hereby amended by inserting after subsection (e), the following :-

52 (f) If an assessment, or any administrative decision upon review thereof has become final
53 and the contributions, payments in lieu of contributions, interest, or penalties thereby assessed
54 remain unpaid, the Director may refer the unpaid and overdue amount to the Secretary of the
55 Department of Treasury for collection under the provisions of 26 U.S.C. § 6402 (f), the Treasury
56 Offset Program, provided that all procedures for notice and opportunity to present evidence as
57 required by 31 CFR § 285.8 have been followed.

58 “SECTION 10. Paragraph (a) of section 24 of chapter 151A of the General Laws is
59 hereby amended by striking out in its entirety said paragraph and inserting in place thereof a new
60 paragraph:-

61 (a) Have been paid wages in the base period amounting to at least forty times the weekly
62 benefit rate; provided, however, that for the period beginning on January first, nineteen hundred
63 and ninety-five the individual has been paid wages in at least two quarters of the base period

64 amounting to at least thirty times the weekly benefit rate; provided, further, that said amount
65 shall be increased annually proportionately, rounding to the nearest one hundred dollars, to any
66 increases which have occurred during the prior calendar year in the minimum wage as set forth
67 in section one of chapter one hundred and fifty-one; and, provided further, that any such increase
68 shall be effective beginning on the first Sunday in January.

69 SECTION 11. Section 28A of said chapter 151A of the General Laws, as so appearing, is
70 hereby amended by inserting after subsection (d) the following:-

71 (e) with respect to any services described in subsections (a) and (b) that are provided to or
72 on behalf of an education institution, benefits shall not be paid to any individual under the same
73 circumstances as described in subsections (a) through (c).

74 SECTION 12. Section 30 of said chapter 151A of the General Laws, as so appearing, is
75 hereby amended by striking out subsection (a) in its entirety and inserting in place thereof the
76 following subsection:

77 (a) Except as provided in subsection (b) and (d), the total benefits which an unemployed
78 individual may receive during his benefit year shall be an amount equal to thirty-six percent of
79 his wages in the base period, or an amount equal to thirty times his benefit rate, whichever is
80 less, plus dependency benefits payable under section 29; provided, that if in any month the
81 average state-wide unemployment rate for the prior 6 months, as determined by the United States
82 Department of Labor, is equal to or below 5.1 percent, the total benefits which an unemployed
83 individual who then files a claim may receive during his benefit year shall be an amount equal to
84 36 per cent of his wages in the base period or an amount equal to 26 times his benefit rate,
85 whichever is less, plus dependency benefits payable under said section 29. If such amount
86 includes a fractional part of a dollar, it shall be rounded to the next lower full dollar amount

87 SECTION 13. Said section 30 of said chapter 151A of the General Laws, as so appearing,
88 is hereby amended by adding the following subsection:-

89 (d) Notwithstanding the provisions of subsection (a), in any period that the average state-
90 wide unemployment rate exceeds 5.1 percent and is below 7.0 percent, an individual's rights to
91 receive regular benefits under this chapter for any week in excess of 26 times the individual's
92 weekly benefit amount, plus dependency benefits payable under section 29, shall be dependent
93 on the individual's participation in an unpaid internship program approved by the commissioner.
94 An individual may participate and receive a weekly benefit amount in an approved unpaid
95 internship program for 4 weeks in excess of the 26 week benefit period. For each week in excess
96 of said 26 weeks, in order to receive the corresponding benefits for that week, the individual
97 shall complete a week in such approved internship program. Approved participation in such
98 program shall not result in a decrease in an individual's regular benefits. Benefits under this
99 chapter in excess of 26 weeks shall not be conditional upon participation in an unpaid internship

100 if the average state-wide unemployment rate for the prior 6 months is equal to or above 7.1
101 percent, provided that in no case shall regular benefits be distributed in excess of 30 weeks.

102 SECTION 14. Subsection (a) of section 62A of chapter 151A of the General Laws, as
103 appearing in the 2012 Official Edition, is hereby amended by adding the following paragraph:-

104 The department shall yearly conduct not less than 1 public hearing to seek the input of
105 Massachusetts employers. Said hearing shall be held at a time and location designated to
106 maximize employer participation. Not less than 20 days prior to a public hearing the
107 commissioner shall conspicuously post notice of the time and location of the hearing on its
108 website and send notice, electronically or otherwise, to members of the general court; every
109 employer with an account with the department; the Massachusetts and Greater Boston Chambers
110 of Commerce; the Massachusetts Taxpayers Association, Associated Industries of
111 Massachusetts, and the National Federation of Independent Businesses.”

112 SECTION 15. Section 69B of said chapter 151A of the General Laws, as so appearing, is
113 hereby amended by inserting, at the end thereof, the following :-

114 (b) In addition to any other remedy provided by this chapter, the commissioner may
115 request that the amount payable to the department by an individual resulting from an
116 overpayment of unemployment benefits which has become final as specified in 430 CMR 6.12
117 be set off against any Federal tax refund payment owed such individual by the U.S. Department
118 of Treasury, in accordance with the requirements of the Treasury Offset Program described in
119 section 14Q of this chapter.

120 SECTION 16. There shall be a special commission to conduct an investigation and study
121 of the activities and efficacy of the adjudication of unemployment insurance claims by the
122 department of unemployment assistance under the executive office of labor and workforce
123 development. The commission shall consist of 11 members: 2 members who shall be appointed
124 by the state auditor, both of whom shall have experience with the adjudication of unemployment
125 disputes, and 1 of whom shall serve as chair; 2 members of the senate, 1 of whom shall be
126 appointed by the senate president and 1 of whom shall be appointed by the minority leader of the
127 senate; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker
128 of the house and 1 of whom shall be appointed by the minority leader of the house; the director
129 of the department of unemployment assistance, or a designee; the president of the Massachusetts
130 taxpayer’s foundation, or a designee; the executive vice-president of the AFL-CIO, or a
131 designee; the executive vice-president of associated industries of Massachusetts, or a designee;
132 and the executive director of the Massachusetts municipal association, or a designee.

133 The study shall include, but not be limited to, an analysis of: (1) the number of claims
134 received by the department quarterly since January 1, 2010 and the resulting status of all claims,
135 including any information pertinent to the description of the status of said claims, including, but
136 not limited to (i) the results of all initial determinations of claims, (ii) the results of any appeals

137 resulting from said initial determination, (iii) the number of rulings reversed through the appeals
138 and review process, (iv) the number of claims arising from the provisions of subdivisions (1)
139 and (2) of subsection (e) of section 25 of chapter 151A, and (v) the number of claims settled in
140 favor of the claimant and in favor of the employer; (2) the average length of time of the appeals
141 and review process of a claim from initial determination to final disposition; (3) the procedures
142 through which the department hires and trains new employees to implement the provisions of
143 sections 39 through 41, inclusive, of chapter 151A, including a determination as to whether or
144 not employment procedures have been followed pursuant to section 9K of chapter 23.

145 The study shall also include the recommendations of the commission relative to: (1)
146 procedures through which the department may produce a quarterly report, to be posted on the
147 department's website, of the number of active claims and the status of said claims; (2)
148 procedures through which any current backlog of cases may be fairly and efficiently resolved
149 and avoided in future department proceedings; (3) procedures through which oversight and
150 quality control principles may be implemented to ensure the continuing prompt, equitable, and
151 transparent application of current law by the commissioner and the board of review; (4) a
152 complete review of current statute and regulations relative to the implementation of chapter
153 151A and any recommendations as to possible legislative reform and streamlined procedures,
154 including, but not limited to, recommendations and procedures for the uniform and effective
155 implementation of section 25 of chapter 151A.

156 The commission may request from all state agencies such information and assistance as
157 the commission may require. The commission shall report the results of its investigation and
158 study, together with drafts of legislation, if any, necessary to carry its recommendations into
159 effect, by filing the same with the clerks of the senate and house of representatives, who shall
160 forward the same to the joint committee on public health and the house and senate committees on
161 ways and means on or before December 31, 2014.

162 SECTION 17. The department of unemployment assistance shall, beginning on
163 December 31, 2014 and continuing annually through December 31, 2016, prepare a report on the
164 number of unemployment claimants who are over the age of 50 and those recipients experiencing
165 long-term unemployment. For the purposes of this section, the term "long-term unemployment"
166 shall apply to those workers who have been unemployed for more than 27 weeks. Said report
167 shall be made available on the department's website and submitted to the clerk of the house, the
168 clerk of the senate, and the house and senate chairs of the joint committee on labor and
169 workforce development.

170 In conjunction with said report, the department shall also develop specialized training
171 programs and strategies for addressing the unique needs of older workers and the long-term
172 unemployed. The focus of these programs shall include, but not be limited to, retraining, the
173 development of marketing skills, job search training, resume assistance and job placement. The

174 department's annual report to the legislature shall include details on the success of said programs
175 in assisting older workers and the long-term unemployed with securing employment.

176 SECTION 18. Notwithstanding any general or special law to the contrary, the
177 commissioner or director of the department of unemployment assistance shall issue a report on
178 the unemployment trust fund. Said report shall include, but not be limited to, the balance in the
179 fund in each of the past 12 months and a projection of both the future balances in the fund for
180 each of the next 12 months after the enactment of this legislation and the future balance
181 projections without the enactment of this legislation, and the assumptions used to generate said
182 projections. Said report shall be made available on the website of the department and submitted
183 to the clerks of the house of representatives and the senate and to the joint committee on labor
184 and workforce development not later than April 15, 2014.