

HOUSE No. 1619

By Mr. James A. O'Brien of Fall River, petition of James A. O'Brien for the establishment in the Division of Employment Security of a Massachusetts cash sickness compensation fund. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT RELATIVE TO THE MASSACHUSETTS CASH SICKNESS COMPENSATION FUND.

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

1 The General Laws are hereby amended by in-
2 serting after chapter 52, as amended, the following
3 chapter:—

4 CHAPTER 52A.

5 MASSACHUSETTS CASH SICKNESS COMPENSATION
6 FUND.

7 *Section 1.* There is hereby established the Massa-
8 chusetts cash sickness compensation fund to be
9 administered by the Massachusetts division of
10 unemployment security, in this chapter referred to
11 as the board, without any liability on the part of
12 the commonwealth beyond the amounts paid into

13 the fund and amounts accruing thereto in the form
14 of dividends or otherwise. Said fund shall consist
15 of all contributions, of interest and penalties paid
16 pursuant to any provisions of this act and all other
17 moneys paid into and received by the fund, and of
18 property and securities acquired by and through
19 the use of moneys belonging to the fund. All moneys
20 in the fund shall be mingled and undivided.

21 *Section 2.* The fund shall be administered and
22 used solely to pay benefits upon vouchers drawn
23 on the fund by the board pursuant to regulations
24 of the board, and no other disbursement shall be
25 made therefrom except as provided in other sec-
26 tions of this chapter. Such regulations shall be
27 governed by and be consistent with any applicable
28 constitutional requirements, but the procedure pre-
29 scribed by such rules shall be deemed to satisfy
30 and shall be in lieu of any and all statutory require-
31 ments for specific appropriation or other formal
32 release by state officers of state moneys prior to
33 their expenditure which might otherwise be applicable
34 to withdrawals from the fund.

35 *Section 3.* The state treasurer shall be custodian
36 of the fund and shall pay all vouchers duly drawn
37 upon the fund in such manner as the board may
38 from time to time prescribe.

39 *Section 4.* Each employee within the common-
40 wealth shall contribute to the fund, with respect
41 to employment subsequent to July first, nineteen
42 hundred and forty-six, an amount equal to one
43 per cent of his wages paid by his employer, and
44 each employer within the commonwealth shall con-
45 tribute, with respect to such employment an equal
46 amount.

47 *Section 5.* On and after January first, nineteen
48 hundred and forty-seven, benefits shall become pay-
49 able from the fund and shall be paid by the board
50 through employment offices and such other agencies
51 as the board may designate and the federal social
52 security board may approve, such payments to be
53 in accordance with such rules and regulations as
54 the board may prescribe.

55 *Section 6.* During such time as an employee
56 is sick, he shall be paid compensation equal to two
57 thirds of his average weekly wages but not less
58 than twelve dollars nor more than twenty-eight
59 dollars per week; provided, that no payment shall
60 be made for the first week of such sickness, nor
61 shall any payment be made if the employee is re-
62 ceiving compensation under the workmen's com-
63 pensation law or under the old age assistance law
64 of the commonwealth. If, however, compensation
65 so received under either or both of the laws referred
66 to in the preceding sentence is less than the benefits
67 which the employee would otherwise be entitled
68 to receive under this chapter he shall be entitled
69 to receive for each week of sickness, if otherwise
70 eligible, the benefits hereby provided reduced by
71 the amount of such compensation.

72 *Section 7.* Claims for benefits under this chapter
73 shall be filed pursuant to the rules and regulations
74 of the board at employment offices or such other
75 agency as the board may designate. On the filing
76 of such a claim a claims examiner shall promptly
77 examine the claim, and, on the basis of the facts
78 found by him and the records maintained by the
79 board, the claim shall be determined to be either
80 valid or invalid. If so determined to be valid the

81 claims examiner shall promptly notify the claimant
82 as to the week with which benefits shall commence,
83 and the weekly benefit amount payable; if deter-
84 mined to be invalid the claims examiner shall notify
85 the claimant and all other interested persons of
86 such determination giving the reasons therefor.
87 Unless the claimant or other interested person shall,
88 within seven days after a notification by the claims
89 examiner has been mailed to his last known address
90 on the records of the board, request a hearing
91 before a referee the determination with reference
92 to the claim shall be final. Within said period the
93 claimant or other person interested may appeal
94 from such determination to the district court within
95 the judicial district of which the claimant lives for
96 a review of the determination, and the decision of
97 the court shall be final. If an appeal is duly filed
98 with such court, benefits with respect to the period
99 prior to a final decision of the board, if the court
100 finds that such benefits are payable, shall be paid
101 only after such decision; provided, that if a referee
102 confirms a decision of a claims examiner, or the
103 board confirms a decision of a referee, allowing
104 benefits, such benefits shall be paid regardless of
105 any appeal which may thereafter be taken.

106 *Section 8.* This chapter shall be administered by
107 the Massachusetts division of employment security,
108 which shall have the same powers and duties with
109 relation to this chapter as it has relative to the laws
110 controlling employment security. For any purpose
111 of this chapter the board may require by rule or
112 regulation any claimant for benefits hereunder to
113 submit to a reasonable examination or examina-
114 tions for the purpose of determining his physical or

115 mental condition, or both, such examination or
116 examinations to be conducted by one or more experts
117 appointed by the board and to be made at such
118 places and times as said experts, with the approval
119 of the board, shall require.

120 *Section 9.* All employers shall submit to the
121 board such records as it shall from time to time
122 require.

123 *Section 10.* This chapter shall be known, and
124 may be cited, as the Massachusetts cash sickness
125 compensation fund act.

