

SENATE No. 307

To accompany the petition of Lewis Stevans for legislation relative to eligibility for benefits, experience rating and coverage under the employment security law. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT AMENDING PROVISIONS OF THE EMPLOYMENT SECURITY LAW RELATING TO ELIGIBILITY FOR BENEFITS, EXPERIENCE RATING, AND COVERAGE.

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 10 of chapter 151A of the Gen-
2 eral Laws is hereby amended by adding thereto the
3 following:— No election to become an employer,
4 filed by an employing unit of eight or more individuals
5 in employment within the commonwealth, shall be
6 approved unless the director has theretofore or simul-
7 taneously approved an election filed on behalf of the
8 same employing unit, to become a covered employer
9 under the provisions of the non-occupational accident
10 and sickness benefits law. Likewise, the director shall
11 not approve any written notice to cease to be subject
12 to this chapter unless theretofore or simultaneously he
13 approves, as of the same effective date, an applica-

14 tion filed on behalf of the same employing unit, to
15 terminate status as a covered employer under the
16 non-occupational accident and sickness benefits law.
17 An application to become an employer hereunder,
18 filed by an employing unit of eight or more individuals
19 in employment within the commonwealth, and a
20 written notice to cease to be subject to this chapter
21 shall constitute, respectively, an application to become
22 a covered employer under the non-occupational acci-
23 dent and sickness benefits law and an application to
24 cease to be a covered employer thereunder, — so
25 as to read as follows: — 10. Any employing unit of
26 one or more individuals in employment within the
27 commonwealth, who is not otherwise subject to this
28 chapter, shall become fully subject hereto upon filing
29 with the director his or its election to become fully
30 subject hereto for not less than two years and upon
31 the written approval of such election by the director.
32 Upon such approval, such services shall be deemed to
33 constitute employment subject to this chapter from
34 and after the date stated in such approval. Such
35 services shall cease to be deemed employment subject
36 hereto as of January first of any year subsequent to
37 such two years, only if during January of such year
38 such employing unit has filed with the director a
39 written notice to that effect. No election to become
40 an employer, filed by an employing unit of eight or
41 more individuals in employment within the common-
42 wealth, shall be approved unless the director has
43 theretofore or simultaneously approved an election
44 filed on behalf of the same employing unit, to become
45 a covered employer under the provisions of the non-
46 occupational accident and sickness benefits law. Like-
47 wise, the director shall not approve any written notice

48 to cease to be subject to this chapter unless theretofore
49 or simultaneously he approves, as of the same effective
50 date, an application filed on behalf of the same em-
51 ploying unit, to terminate status as a covered employer
52 under the non-occupational accident and sickness
53 benefits law. An application to become an employer
54 hereunder, filed by an employing unit of eight or more
55 individuals in employment within the commonwealth,
56 and a written notice to cease to be subject to this
57 chapter shall constitute, respectively, an application
58 to become a covered employer under the non-occupa-
59 tional accident and sickness benefits law and an appli-
60 cation to cease to be a covered employer thereunder.

1 SECTION 2. Section 11 of chapter 151A of the Gen-
2 eral Laws is hereby amended by adding thereto the
3 following:—No application for termination of coverage
4 hereunder, filed by an employing unit covered by the
5 non-occupational accident and sickness benefits law,
6 shall be approved unless the director has theretofore
7 or simultaneously approved, as of the same effective
8 date, such employer's application for termination of
9 status as a covered employer under the non-occupa-
10 tional accident and sickness benefits law, — so as to
11 read as follows:— 11. Except as provided in section
12 ten, no employer subject to this chapter shall cease
13 to be subject thereto except upon a written applica-
14 tion therefor by him, which application may be filed
15 with the director prior to March thirty-first in any
16 year, and after a finding by the director that he has
17 not on any day within the then last year employed
18 any individual in employment subject to this chapter,
19 whereupon such employer shall cease to be subject
20 thereto as of January first of the year in which such

21 application is made. No application for termination
22 of coverage hereunder, filed by an employing unit
23 covered by the non-occupational accident and sickness
24 benefits law shall be approved unless the director has
25 theretofore or simultaneously approved, as of the same
26 effective date, such employer's application for termina-
27 tion of status as a covered employer under the non-
28 occupational accident and sickness benefits law.

1 SECTION 3. Section 14 of chapter 151A of the Gen-
2 eral Laws is hereby amended by inserting after the
3 word "applies", in paragraph 2 of subsection (b), the
4 following: — except benefits paid with respect to any
5 period during which the individual is suffering illness
6 or disability but is not ineligible for benefits pursuant
7 to subsection (b) of section twenty-four, — so as to
8 read as follows: — (2) When, in any calendar year,
9 beginning not earlier than nineteen hundred and
10 thirty-nine, a worker is paid benefits for the first
11 compensable week of unemployment with respect to
12 the benefit year to which the claim applies, except
13 benefits paid with respect to any period during which
14 the individual is suffering illness or disability but is
15 not ineligible for benefits pursuant to subsection (b) of
16 section twenty-four, his wages from each employer
17 during his base period shall be termed "worker's
18 benefit wages" and shall be treated for the purposes
19 of this subsection as if they had been paid in the year
20 in which the first week of benefits is paid. Worker's
21 benefit wages when used with respect to benefits paid
22 for the first compensable week of unemployment on
23 claims originally arising in the year nineteen hundred
24 and thirty-nine or in the years nineteen hundred and
25 forty, nineteen hundred and forty-one, nineteen hun-

26 dred and forty-two and prior to April first, nineteen
27 hundred and forty-three, shall include the wages not
28 in excess of one thousand dollars in those quarters
29 upon which the benefits available to the claimant were
30 computed, assignable to its respective year of nine-
31 teen hundred and thirty-nine to nineteen hundred and
32 forty-three, inclusive, in accordance with this sub-
33 section. For the purposes of this subsection, and ef-
34 fective as of April first, nineteen hundred and forty-
35 three, benefit wages charged against each employer
36 shall include only that part of wages not in excess of
37 twelve hundred dollars paid by him in a base period;
38 provided, that on and after April first, nineteen hun-
39 dred and forty-five, and prior to April first, nineteen
40 hundred and forty-six, benefit wages charged against
41 each employer shall include that part of wages not in
42 excess of sixteen hundred dollars paid by him in a
43 base period; and provided, further, that on and after
44 April first, nineteen hundred and forty-six, benefit
45 wages charged against each employer shall include
46 that part of wages not in excess of nineteen hundred
47 dollars paid by him in a base period.

1 SECTION 4. Section 24 of chapter 151A of the Gen-
2 eral Laws is hereby amended by inserting after the
3 word "fitted", in subsection (b), the following:—
4 provided that no claimant shall be considered ineligible
5 in any week of unemployment for failure to comply
6 with the provisions of this subsection if such failure is
7 due to an illness or disability which occurs after he has
8 registered for work with respect to a period of unem-
9 ployment including such week and no work which
10 would have been considered suitable at the time of his
11 initial registration has been offered after the beginning

12 of such illness or disability, — so as to read as fol-
13 lows: — (b) Be capable of and available for work and
14 unable to obtain work in his usual occupation or any
15 other occupation for which he is reasonably fitted, pro-
16 vided that no claimant shall be considered ineligible
17 in any week of unemployment for failure to comply
18 with the provisions of this subsection if such failure
19 is due to an illness or disability which occurs after he
20 has registered for work with respect to a period of
21 unemployment including such week and no work which
22 would have been considered suitable at the time of his
23 initial registration has been offered after the beginning
24 of such illness or disability; and

