

SENATE No. 531

The Commonwealth of Massachusetts

SENATE, May 17, 1939.

The committee on Labor and Industries, to whom was referred the petition (accompanied by bill, House, No. 149) of George H. Fernald, Jr., that service performed for employers as defined in the Federal Railroad Unemployment Insurance Act be made exempt from certain provisions of the state law relative to unemployment compensation, report the accompanying bill (Senate, No. 531).

For the committee,

ALBERT COLE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT AMENDING THE UNEMPLOYMENT COMPENSATION LAW TO CONFORM WITH CERTAIN PROVISIONS OF THE FEDERAL RAILROAD UNEMPLOYMENT INSURANCE ACT.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby de-
3 clared to be an emergency law, necessary for the im-
4 mediate preservation of the public convenience.

*Be it enacted by the Senate and House of Repre-
sentatives in General Court assembled, and by the
authority of the same, as follows:*

1 SECTION 1. Section one of chapter one hundred
2 and fifty-one A of the General Laws, as appearing in
3 chapter four hundred and twenty-one of the acts of
4 nineteen hundred and thirty-seven, is hereby amended
5 by inserting after subsection one (f) (7) the following
6 new paragraph: —

7 (8) Service, performed after June thirtieth, nine-
8 teen hundred and thirty-nine, with respect to which
9 unemployment compensation is payable under the
10 Federal Railroad Unemployment Insurance Act, so
11 called (52 Stat. 1094), and service with respect to
12 which unemployment benefits are payable under an
13 unemployment compensation system for maritime
14 employees established by an Act of Congress.

1 SECTION 2. Section sixteen of said chapter one
2 hundred and fifty-one A is further amended by insert-
3 ing after subsection (e) the following new subsection:—

4 () No benefit shall be payable under this chapter
5 to an individual for any week with respect to which or
6 a part of which he has received or is seeking unem-
7 ployment benefits under an unemployment compen-
8 sation law of any other state or of the United States;
9 provided, that if the appropriate agency of such other
10 state or of the United States finally determines that
11 he is not entitled to such unemployment benefits, this
12 subsection shall not apply.

13 () Wages earned for services defined in section
14 one (f) (8) of this chapter irrespective of when per-
15 formed, shall not be included for purposes of determin-
16 ing eligibility for benefits under provisions of this
17 chapter for the purposes of any benefit year commenc-
18 ing on or after July first, nineteen hundred and thirty-
19 nine, nor shall any benefits with respect to unemploy-
20 ment occurring on or after July first, nineteen hun-
21 dred and thirty-nine, be payable on the basis of
22 such wages.

1 SECTION 3. Said chapter one hundred and fifty-one
2 A of the General Laws is further amended by inserting
3 after section forty-one the following:—

4 *Section 41A.* Notwithstanding any requirements
5 of sections thirty-seven through forty-one, inclusive,
6 or other provisions of this chapter, the director shall,
7 prior to whichever is the later of (1) thirty days after
8 the close of this session of the general court and (2)
9 July first, nineteen hundred and thirty-nine, authorize
10 and direct the secretary of the treasury of the United

11 States to transfer from the commonwealth's account
12 in the unemployment trust fund, established and
13 maintained pursuant to section nine hundred and four
14 of the Federal Social Security Act, so-called, as
15 amended, to the railroad unemployment insurance
16 account, established and maintained pursuant to sec-
17 tion ten of the Federal Railroad Unemployment In-
18 surance Act, so-called, an amount hereinafter referred
19 to as the preliminary amount; and shall, prior to
20 whichever is the later of (1) thirty days after the close
21 of this session of the general court and (2) January
22 first, nineteen hundred and forty, authorize and direct
23 the secretary of the treasury of the United States to
24 transfer from the commonwealth's account in said
25 unemployment trust fund to said railroad unemploy-
26 ment insurance account an additional amount, here-
27 inafter referred to as the liquidating amount. The
28 federal social security board shall determine both
29 such amounts after consultation with the director and
30 the railroad retirement board. The preliminary
31 amount shall consist of that proportion of the balance
32 in the unemployment compensation fund as of June
33 thirtieth, nineteen hundred and thirty-nine, as the
34 total amount of contributions collected from "em-
35 ployers" and "employees" (as the terms "employer"
36 and "employee" are defined in subsection (a) and
37 subsection (d), respectively, of section one of the
38 Federal Railroad Unemployment Insurance Act, so-
39 called) and credited to the unemployment compensa-
40 tion fund bears to all contributions theretofore col-
41 lected under this chapter and credited to the unemploy-
42 ment compensation fund.

43 The liquidating amount shall consist of the total
44 amount of contributions collected from "employers"

45 and "employees" (as the terms "employer" and "em-
46 ployee" are defined in subsection (a) and subsection
47 (d), respectively, of section one of the Federal Railroad
48 Unemployment Insurance Act, so-called) pursuant to
49 the provisions of this chapter during the period July
50 first, nineteen hundred and thirty-nine, to December
51 thirty-first, nineteen hundred and thirty-nine, in-
52 clusive.

1 SECTION 4. Said chapter one hundred and fifty-
2 one A of the General Laws is hereby further amended
3 by inserting after the words "federal social security
4 board" where same occurs in section forty-three the
5 following: — the federal railroad retirement board, —
6 and by adding at the end of said section the follow-
7 ing: — , except that moneys received from the federal
8 railroad retirement board as compensation for serv-
9 ices or facilities supplied to said board shall be paid
10 into this account or the employment service accounts
11 thereof, on the same basis as expenditures are made
12 for such services or facilities from such unemploy-
13 ment compensation administration account and em-
14 ployment service accounts, — so that said section
15 forty-three shall read as follows: — *Section 43.* All
16 federal moneys allotted or apportioned to the common-
17 wealth by the federal social security board, the
18 federal railroad retirement board, or other federal
19 agency, for the administration of this chapter, shall
20 be paid into the account, except that moneys received
21 from the federal railroad retirement board as com-
22 pensation for services or facilities supplied to said
23 board shall be paid into this account or the employ-
24 ment service accounts thereof, on the same basis as
25 expenditures are made for such services or facilities

26 from such unemployment compensation adminis-
27 tration account and employment service accounts.

1 SECTION 5. Said chapter one hundred and fifty-
2 one A of the General Laws is hereby further amended
3 by inserting after the words "upon request" as same
4 appears in section forty-seven, as amended by chap-
5 ter one hundred and sixty-three of the acts of nineteen
6 hundred and thirty-eight, the words:— to the rail-
7 road retirement board, — and by adding at the end
8 of said section the following section forty-seven A:—
9 *Section 47A.* The director may co-operate or enter
10 into agreement with the railroad retirement board with
11 respect to the establishment, maintenance and use of
12 free employment service facilities, — so that said
13 section will read as follows:—

14 *Section 47.* The commission shall make such re-
15 ports, in such form and containing such information,
16 as the federal social security board or its successor
17 may from time to time require, and shall furnish such
18 additional information in such form as said board or
19 its successor may from time to time require to sub-
20 stantiate the accuracy of such reports; and shall
21 make available, upon request to the railroad retire-
22 ment board, or to any agency of the United States
23 charged with the administration of public works or
24 other assistance through public employment, in-
25 formation containing the name and address, ordinary
26 occupation and employment status of each recipient
27 of unemployment benefits who is specified in such
28 request, the amounts of such benefits paid and the
29 dates of payment, and a statement of such recipient's
30 rights to further benefits under this chapter; and
31 shall make available, upon request made in a form

32 and manner approved by the director, to any agency of
33 the commonwealth, or of any political subdivision
34 thereof, charged with the duty of furnishing persons
35 aid or assistance in any form or with the administra-
36 tion of assistance through public employment, like
37 information with respect to any person applying for
38 or receiving such aid or assistance who is specified
39 in the request, and any information so secured shall
40 be confidential and whoever discloses the same other-
41 wise than as required or authorized by law shall be
42 subject to the penalty provided in section thirty-five.
43 The director shall comply with all reasonable federal
44 regulations governing expenditures of sums allotted
45 or apportioned to the commonwealth for the admin-
46 istration of this chapter and accepted by the com-
47 monwealth.

48 *Section 47A.* The director may co-operate or
49 enter into agreement with the railroad retirement
50 board with respect to the establishment, maintenance
51 and use of free employment service facilities.

1 SECTION 6. Said chapter one hundred and fifty-
2 one A of the General Laws is hereby further amended
3 by inserting at the end of section forty-eight the fol-
4 lowing new paragraph: —

5 The director is authorized to enter into arrange-
6 ments with the appropriate agencies of the federal
7 government (1) whereby wages or services, upon the
8 basis of which an individual may become entitled to
9 benefits under the Railroad Unemployment Insur-
10 ance Act shall be deemed to be wages for the purposes
11 of subsection (a) of section fifteen, section seventeen,
12 and section eighteen of this chapter, provided such
13 agency of the federal government has agreed to reim-

14 burse the fund for such portion of benefits paid under
15 this chapter upon the basis of such wages or services
16 as the director finds will be fair and reasonable as to
17 all affected interests, taking into consideration the
18 amount and rate of benefits payable under this chap-
19 ter, and (2) whereby the division will reimburse such
20 federal agencies charged with the administration of
21 the Railroad Unemployment Insurance Act with such
22 reasonable portion of benefits, paid by such federal
23 agency, upon the basis of employment or wages, as
24 the director finds will be fair and reasonable as to all
25 affected interests, taking into consideration the
26 amount and rate of benefits payable under this chap-
27 ter. Reimbursements so payable shall be deemed to
28 be benefits for the purposes of sections eighteen, nine-
29 teen, twenty, thirty-eight and forty of this chapter.
30 The director is hereby authorized to make to such
31 federal agencies and receive from such federal agen-
32 cies, reimbursements from or to the fund, in accord-
33 ance with arrangements pursuant to this section.