

HOUSE No. 372

By Mr. McDonough of Boston, petition of the Massachusetts State C. I. O. for legislation to establish a cash sickness compensation act. Labor and Industries.

The Commonwealth of Massachusetts

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

AN ACT TO ESTABLISH A CASH SICKNESS COMPENSATION ACT.

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 of Massachusetts are hereby
2 amended by inserting therein chapter one hundred
3 and fifty-one B, which shall read as follows:—

4 *Section 1. Short Title.*— This act shall be known
5 and may be cited as the Massachusetts Cash Sickness
6 Compensation Act.

7 *Section 2. The Provisions of the Employment*
8 *Security Law Govern.*— The provisions of chapter
9 one hundred and fifty-one A of the General Laws, as
10 amended, known and cited as the “Employment
11 Security Law,” in their entirety, shall be made
12 applicable and shall govern the operation of this
13 chapter except in so far as the manifest intent of the
14 provisions hereinafter set forth are to the contrary.

15 *Section 3. Contributions.*— Each employee shall

16 contribute to the Massachusetts Cash Sickness Com-
17 pensation Fund with respect to employment after
18 January first, nineteen hundred and forty-six, or
19 after the date upon which his employer becomes
20 subject to the act, whichever is later, an amount
21 equal to one percentum of his wages paid by his
22 employer up to three thousand dollars in any calendar
23 year. Each employer shall make contributions for
24 each year of an amount equal to one percentum on
25 so much of his payroll as is subject to this chapter;
26 provided, that said employer shall make contribu-
27 tions only on that part of remuneration paid by
28 him to an individual not in excess of three thousand
29 dollars with respect to employment during any
30 calendar year.

31 *Section 4. Benefits.* — The term “benefit” under
32 this chapter shall mean money payable as provided
33 to an individual as compensation for his wage losses
34 due to unemployment by sickness.

35 *Section 5. Fund.* — There is hereby created the
36 Massachusetts Cash Sickness Compensation Fund,
37 to be administered without liability on the part of
38 the commonwealth beyond the amounts paid into
39 and earned by the fund. This fund shall consist
40 of all contributions paid into it in accordance with
41 the preceding section, together with such interest
42 and penalties paid therein, and of all other moneys
43 paid into and received by the fund of properties
44 and securities acquired by and through the use of
45 moneys belonging to the fund, and of interest earned
46 upon the moneys belonging to the fund. All the
47 moneys in the fund shall be mingled and undivided.

48 *Section 6. Eligibility Requirements.* — An indi-
49 vidual shall be deemed eligible for benefits for any

50 given week of his unemployment, due to sickness
51 only, in such amounts and for such time as is pro-
52 vided for by chapter one hundred and fifty-one A
53 of the General Laws.

54 *Section 7. Disqualification to receive Benefits.* —
55 An individual shall be disqualified from receiving
56 benefits during any week with respect to which he
57 will receive remuneration in the form of —

58 (a) Compensation under a workmen's compensa-
59 tion law of any state or under a similar law of the
60 United States.

61 (b) Primary insurance benefits under Title II of
62 the Federal Social Security Act, as amended, or
63 similar payments under any acts of congress; or

64 (c) Benefits under an unemployment compensa-
65 tion law of any state or of the United States.

66 Provided, that if the remuneration designated
67 in (a) or (b) is less than the benefits which would
68 otherwise be due under this act he shall be entitled
69 to receive for such week, if otherwise eligible, benefits
70 reduced by the amounts of such remuneration.

71 *Section 8. Filing of Benefit Claims.* — Benefit
72 claims shall be filed pursuant to such regulations as
73 may be established by the director.

74 *Section 9. Administration.* — This act shall be
75 administered under chapter one hundred and fifty-
76 one A, and such regulations may be established by
77 the director to govern special problems which may
78 arise under the administration of this act.

79 *Section 10. Examinations.* — The director is em-
80 powered to make such regulations or special order
81 which may require any benefit claimant to submit
82 to a reasonable examination or examinations for the
83 purpose of determining his physical or mental

84 condition, to be conducted under such conditions
85 that may be set by the director and to be made at
86 such time and places by such physicians or other
87 experts appointed by the director.

88 *Section 11. Protection of Rights and Benefits.* - (1)
89 *Waiver of Rights Void.* — No agreement by any
90 individual to waive his right to benefits or any other
91 right under this chapter shall be valid. No agree-
92 ment by any individual in the employ of any person
93 or concern to pay all or any portion of the contribu-
94 tions required under this act from employers shall
95 be valid. No employer shall make or require or
96 accept any deductions from wages to finance the
97 contributions required of him, or require or accept
98 any waiver by an individual of any right hereunder.
99 The director shall have power to take any steps
100 necessary or suitable under this act to correct or
101 prosecute any such violation.

102 *Section 12. Administrative Funds.* — To the ex-
103 tent that funds are made available by the federal
104 government under Title III of the Social Security
105 Act, as amended or otherwise for such purpose, the
106 expenses of administering this act shall be paid
107 from such funds, provided that this section shall
108 not be considered to permit any expenditures of
109 funds from the unemployment compensation fund
110 of the commonwealth; and provided, further, how-
111 ever, that in the event that the social security act
112 is amended to permit funds granted under Title
113 III thereof to be used to pay expenses of administer-
114 ing a sickness compensation law, such as this act,
115 then from and after the effective date of such amend-
116 ment, the expenses of administering this act shall
117 be paid out of said unemployment compensation

118 fund of the commonwealth, or any other account
119 or fund in which funds granted under said Title III
120 shall be deposited.

121 There is hereby appropriated to the director out
122 of the fund created by this chapter a sum which
123 shall not be in excess of one per cent of the con-
124 tributions of one year to be used in payment of the
125 expenses of administering this act during the period
126 from the effective date of this act through June
127 thirtieth, nineteen hundred and forty-seven; and
128 there is hereby appropriated annually thereafter
129 out of the fund a sum which shall not be in excess
130 of one per cent of the contributions of one year for
131 payment of expenses of administering this act during
132 each fiscal year thereafter; provided, however, that
133 such sums shall be available to the board for pay-
134 ment of expenses of administration of this act only
135 to the extent that moneys received from the federal
136 government are not available for such purpose as
137 provided in the preceding paragraph.

138 *Section 13. Separability on Provisions.* — If any
139 provision of this act, or the application thereof to
140 any person or circumstances, is held invalid, the
141 remainder of the act and the application of such
142 provision to other persons or circumstances shall
143 not be affected thereby.

144 *Section 14. Construction.* — This act shall be
145 construed liberally in aid of its declared purpose,
146 which declared purpose is to lighten the burden
147 which now falls on the unemployed worker and his
148 family.

