

By Mr. Finnegan of Everett, petition of Hyman Segal for legislation relative to charges to employers' accounts under the Employment Security Law. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Four.

AN ACT AFFECTING THE CHARGES TO EMPLOYERS' ACCOUNTS.

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. Chapter 151A of the General Laws is hereby
2 amended by striking out subsection (a) of section 38 and substi-
3 tuting therefor the following:—

4 (a) Benefit claims shall be filed at the employment office at
5 which the claimant has registered as unemployed. The director
6 shall prescribe the form, the time and the manner in which such
7 claims, other than disputed claims, shall be filed. The director
8 shall also prescribe the form and manner in which reports on
9 claims required from the claimant and from the employing
10 units shall be presented, and the conduct of hearings, other than
11 those on appeals. Such procedure shall be designed to ascertain
12 the substantive rights of the parties involved, without regard
13 to common law or statutory rules of evidence and other tech-
14 nical rules of procedure.

15 For the purpose of this section, the director shall notify so
16 many of the claimant's base period employers to report wages
17 paid such individual during the base period as he finds necessary
18 to make a proper determination on said claim. Each such em-
19 ployer shall thereupon promptly report to the director, in such
20 form and manner as the director prescribes, such information
21 as may be necessary to determine a claimant's benefit rights
22 under this chapter. If an employer fails to respond to the di-
23 rector's notice under this subsection within seven days after
24 such notice was mailed to him, the director shall promptly de-
25 termine the matter based on the available information, and the

26 employer shall have no standing to contest such determination,
27 and any benefits paid pursuant to such a determination shall
28 remain charged to the employer's account. If an employer
29 fails without good cause to respond to the director's notice under
30 this subsection within seven days after such notice was mailed
31 to him the director shall impose a penalty of five dollars against
32 the employer for each such failure without good cause.

1 SECTION 2. Chapter 151A of the General Laws is hereby
2 amended by striking out subsection (c) of section 38 and sub-
3 stituting therefor the following:—

4 (c) If, after receiving a notice of claim filed, the employing
5 unit recalls a claimant to work, and such claimant fails to report
6 for such work the employing unit shall within five days of the
7 date of such recall notify the employment office from which such
8 notice was received. Such notification shall be in writing, and
9 shall identify the claimant and the date on which such work was
10 available to him. Failure to give such notice and information
11 within the time provided in this subsection shall bar the em-
12 ployer from being a party to further proceedings relating to the
13 claim and shall bar the employer from being relieved of any
14 benefit charges which may have been assigned to his account
15 for the week for which the claimant was recalled and any sub-
16 sequent week for which the employer's account is charged be-
17 cause of benefits paid to such claimant. For the purpose of
18 processing claims under this section, and for the purpose of
19 subsection (b) of section forty-four, the director shall not require
20 any wage reports other than those provided for by this section.