

The Commonwealth of Massachusetts

Executive Department
State House, Boston 02133, August 12, 1970.

To the Honorable Senate and House of Representatives.

Unemployment has reached the crisis stage in Massachusetts.

Accordingly, I urge your enactment of the accompanying legislation to extend the time during which unemployment benefits may be paid beyond the duration allowed by present law.

Federal legislation signed into law only two days ago creates a federal-state program of extended benefits in times of high unemployment, effective January, 1972.

Massachusetts can begin an extended benefits program with federal aid this *October*, however, if the accompanying legislation is enacted.

Under this program, Massachusetts and the federal government will share equally the cost of benefits paid in excess of twenty-six weeks up to a maximum of thirty-nine weeks.

Congress has recognized that the normal duration provisions of state unemployment compensation laws are inadequate to protect the unemployed wage-earner in times of high unemployment. Massachusetts must do the same and must utilize all federal assistance available for aiding the unemployed.

Of the twenty-four major labor areas in the United States classified as areas of substantial unemployment, five are in Massachusetts: Lowell, with 9.2 per cent of its workforce unemployed in June, New Bedford, with 8.1 per cent, Brockton, with 7.3 per cent, Springfield-Chicopee-Holyoke, with 7.3 per cent, and Fall River, with 6.3 per cent.

Unemployment compensation is a poor substitute for a paying job, but in the present emergency it is an essential first step.

I urge your approval of the attached legislation so that we may provide this emergency relief.

Respectfully submitted,

FRANCIS. W. SARGENT,
Acting Governor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT TO ESTABLISH AN EXTENDED BENEFITS PROGRAM UNDER THE EMPLOYMENT SECURITY LAW.

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 inserting after Section 30, the following section: —

3 Section 30A. As used in this section, unless the context
4 clearly requires otherwise, an extended benefit period means a
5 period which

6 (a) begins with the third week after whichever of the
7 following weeks occurs first:

8 (1) a week for which there is a national “on” indicator, or

9 (2) a week for which there is a State “on” indicator; and

10 (b) ends with either of the following weeks, whichever occurs
11 later:

12 (1) the third week after the first week for which there is
13 both a national “off” indicator and a State “off”
14 indicator; or

15 (2) the thirteenth consecutive week of such period;
16 provided that no extended benefit period may begin by
17 reason of a State “on” indicator before the fourteenth
18 week following the end of a prior extended benefit period
19 which was in effect with respect to this State.

20 (c) There is a “national ‘on’ indicator” for a week if the U.S.
21 Secretary of Labor determines that for each of the three
22 most recent completed calendar months ending before such
23 week, the rate of insured unemployment (seasonally ad-
24 justed) for all States equaled or exceeded 4.5 percent.

25 (d) There is a “national ‘off’ indicator” for a week if the U.S.
26 Secretary of Labor determines that for each of the three
27 most recent completed calendar months ending before such

28 week, the rate of insured unemployment (seasonally adjust-
29 ed) for all States was less than 4.5 percent.

30 (e) There is a "State 'on' indicator" for this State for a week
31 if the director determines, in accordance with the regulations
32 of the U.S. Secretary of Labor, that for the period consisting
33 of such week and the immediately preceding twelve weeks,
34 the rate of insured unemployment (not seasonally adjusted)
35 under this chapter:

36 (1) equaled or exceeded 120 percent of the average of such
37 rates for the corresponding 13-week period ending in each
38 of the preceding two calendar years, and

39 (2) equaled or exceeded 4 percent.

40 (f) There is a "State 'off' indicator" for this State for a week
41 if the director determines, in accordance with the regulations
42 of the U.S. Secretary of Labor, that for the period consisting
43 of such week and the immediately preceding twelve weeks,
44 the rate of insured unemployment (not seasonally adjusted)
45 under this chapter:

46 (1) was less than 120 percent of the average of such rates
47 for the corresponding 13-week period ending in each of
48 the preceding two calendar years, or

49 (2) was less than 4 percent.

50 (g) "Rate of insured unemployment", for purposes of
51 paragraphs (e) and (f) of this subsection, means the percent-
52 age derived by dividing:

53 (1) the average weekly number of individuals filing claims
54 in this State for weeks of unemployment with respect to
55 the most recent 13-consecutive-week period, as determined
56 by the director on the basis of his reports to the U.S.
57 Secretary of Labor, by

58 (2) the average monthly employment covered under this
59 chapter for the first four of the most recent six completed
60 calendar quarters ending before the end of such 13-week
61 period.

62 (h) "Regular benefits" means benefits payable to an individ-
63 ual under this chapter or under any other State law
64 (including benefits payable to Federal civilian employees and
65 to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than
66 extended benefits and additional benefits.

67 (i) "Extended benefits" means benefits (including benefits
68 payable to Federal civilian employees and to ex-servicemen
69 pursuant to 5 U.S.C. chapter 85) payable to an individual
70 under the provisions of this section for weeks of unemploy-
71 ment in his eligibility period.

72 (j) "Additional benefits" means benefits payable to exhaust-
73 ees by reason of conditions of high unemployment or by
74 reason of other special factors under the provisions of
75 section 30 of this chapter.

76 (k) "Eligibility period" of an individual means the period
77 consisting of the weeks in his benefit year which begin in an
78 extended benefit period and, if his benefit year ends within
79 such extended benefit period, any weeks thereafter which
80 begin in such period.

81 (l) "Exhaustee" means an individual who, with respect to any
82 week of unemployment in his eligibility period:

83 (1) has received, prior to such week, all of the regular
84 benefits that were available to him under this chapter or
85 any other State law (including dependency benefits and
86 benefits payable to Federal civilian employees and ex-
87 servicemen under 5 U.S.C. chapter 85) in his current
88 benefit year that includes such week; provided that, for
89 the purpose of this subsection, an individual shall be
90 deemed to have received all of the regular benefits that
91 were available to him although as a result of a pending
92 appeal with respect to wages that were not considered in
93 the original monetary determination in his benefit year, he
94 may subsequently be determined to be entitled to added
95 regular benefits.

96 (2) his benefit year having expired prior to such week, has
97 no, or insufficient, wages on the basis of which he could
98 establish a new benefit year that would include such week:
99 and

100 (3) has no right to unemployment benefits or allowances,
101 as the case may be, under the Railroad Unemployment
102 Insurance Act, the Trade Expansion Act of 1962, the
103 Automotive Products Trade Act of 1965 and such other
104 Federal laws as are specified in regulations issued by the
105 U.S. Secretary of Labor; and has not received and is not

106 seeking unemployment benefits under the unemployment
107 compensation law of the Virgin Islands or of Canada; but
108 if he is seeking such benefits and the appropriate agency
109 finally determines that he is not entitled to benefits under
such law he is considered an exhaustee.

110 (m) "State law" means the unemployment insurance law of
111 any State, approved by the U.S. Secretary of Labor under
112 section 3304 of the Internal Revenue Code of 1954.

113 (n) Except when the result would be inconsistent with the
114 other provisions of this section, as provided in the regulations
115 of the director, the provisions of this chapter which apply to
116 claims for, or the payment of, regular benefits shall apply to
117 claims for, and the payment of, extended benefits.

118 (o) An individual shall be eligible to receive extended benefits
119 with respect to any week of unemployment in his eligibility
120 period only if the director finds that with respect to such
121 week:

122 (1) he is an "exhaustee" as defined in subsection (1) of
123 this section, and

124 (2) he has satisfied the requirements of this chapter for the
125 receipt of regular benefits that are applicable to individuals
126 claiming extended benefits, including not being subject to
127 a disqualification for the receipt of benefits.

128 (p) The weekly extended benefit amount payable to an
129 individual for a week of total unemployment in his eligibility
130 period shall be an amount equal to the weekly benefit
131 amount, including dependency benefits, payable to him
132 during his applicable benefit year. For any individual who
133 was paid benefits during the applicable benefit year in
134 accordance with more than one weekly benefit amount, the
135 weekly extended benefit amount shall be the average of such
136 weekly benefit amounts.

137 (q) The total extended benefit amount payable to any
138 eligible individual with respect to his applicable benefit year
139 shall be the least of the following amounts:

140 (1) fifty percent of the total amount of regular benefits,
141 including dependency benefits, which were payable to him
142 under this chapter in his applicable benefit year;

143 (2) thirteen times his average weekly benefit amount,

144 including dependency benefits, which was payable to him
145 under this chapter for a week of total unemployment in
146 the applicable benefit year; or

147 (3) thirty-nine times his average weekly benefit amount,
148 including dependency benefits, which was payable to him
149 under this chapter for a week of total unemployment in
150 the applicable benefit year, reduced by the total amount
151 of regular benefits which were paid (or deemed paid) to
152 him under this chapter with respect to the benefit year.

153 (r) Any benefits paid to an individual under the provisions of
154 this section shall be charged to the solvency account.

155 Whenever an extended benefit period is to become effective
156 in this State (or in all States) as a result of a State or a
157 national “on” indicator, or an extended benefit period is to
158 be terminated in this State as a result of a State “off”
159 indicator or State and national “off” indicators, the director
160 shall make an appropriate public announcement.

161 Computations required by the provisions of subsection (g) of
162 this section shall be made by the director, in accordance with
163 regulations prescribed by the U.S. Secretary of Labor.

1 SECTION 2. This act shall take effect on October eleven,
2 nineteen hundred seventy.

HOUSE

OF REPRESENTATIVES

The Committee on Education and the Labor Force
has the honor to acknowledge the receipt of your letter
of the 10th day of June, 1978, regarding the
proposed amendments to the Elementary and Secondary
Education Act of 1965, Public Law 89-103, as amended,
and to thank you for your interest in this legislation.

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