

By Mr. Magnani of Framingham, petition of the Massachusetts AFL-CIO State Labor Council, David P. Magnani and John P. Burke relative to making a certain class of employees eligible for unemployment insurance. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT MAKING A CERTAIN CLASS OF EMPLOYEE ELIGIBLE FOR UNEMPLOYMENT INSURANCE.

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, section 1,
2 subsection (r), paragraph (1), as appearing in the 1986 Official
3 Edition of the General Laws of Massachusetts, is hereby amended
4 by deleting the first sentence and inserting in place thereof the
5 following new sentences: —

6 (1) "Partial unemployment," an individual shall be deemed to
7 be in partial unemployment if in any week he has earned or has
8 received aggregate remuneration in an amount which is less than
9 the weekly benefit rate to which he would be entitled if totally
10 unemployed during said week, plus any earnings disregarded
11 under subsection (b) of section 29. Regardless of the terms of any
12 employment agreement, an individual shall be in partial
13 unemployment in any week in which, for the convenience of the
14 employer, the employer provides less than full time work to the
15 individual, provided that the individual is available for full time
16 work.

1 SECTION 2. Paragraph (2) of said subsection (r) of said
2 section 1 of Chapter 151A is hereby amended by striking out the
3 first sentence and inserting in place thereof the following sentence:

4 (2) "Total unemployment", an individual shall be deemed to be
5 in total unemployment in any week in which he performs no wage-
6 earning services whatever and for which he receives no

7 remuneration, regardless of the terms of any employment
8 agreement between the individual and his employer, and in which,
9 though capable of an available for work, he is unable to obtain
10 any suitable work.

1 SECTION 3. Section 29 of Chapter 151A of the General Laws
2 is hereby amended by striking out subsection (b) and inserting in
3 place thereof the following subsection:

4 (b) An individual in partial unemployment and otherwise
5 eligible for benefits shall be paid the difference between the
6 individual's aggregate remuneration with respect to each week of
7 partial unemployment and the weekly benefit rate to which the
8 individual would have been entitled if totally unemployed;
9 provided, however, that thirty percent of the individual's
10 aggregate remuneration plus fifteen percent of the maximum
11 weekly benefit rate in effect shall be disregarded. In no case shall
12 the amount of aggregate remuneration so disregarded exceed
13 thirty percent of the maximum weekly benefit rate in effect. Such
14 partial benefit shall be rounded to the next lower full dollar
15 amount if it includes a fractional part of the dollar.

1 SECTION 4. Section 3 shall apply to weeks of unemployment
2 occurring on or after January 1, 1988 or 90 days after enactment,
3 whichever is later.