

HOUSE No. 5938

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 5, 1975.

The committee on Commerce and Labor, to whom were referred the petition (accompanied by bill, Senate, No. 271) of David A. Basque for legislation relative to employment security benefits; the petition (accompanied by bill, House, No. 1078) of the Mass. State Labor Council and Robert G. Phelan for legislation to clarify the unemployment compensation law; the petition (accompanied by bill, House, No. 1084) of Max Volterra relative to the definition of the term "suitable employment" as used in the Employment Security Law; the petition (accompanied by bill, House, No. 1654) of Nils L. Nordberg for a more equitable disqualification provision under the Employment Security Law; the petition (accompanied by bill, House, No. 1655) of Nils L. Nordberg for a more equitable disqualification provision under the Employment Security Law; the petition (accompanied by bill, House, No. 2243) of Thomas H. Driscoll and Norris W. Harris that provision be made for a more equitable disqualification provision under the Employment Security Law; the petition (accompanied by bill, House, No. 2244) of Thomas H. Driscoll and Norris W. Harris that provision be made for a more equitable disqualification under the Employment Security Law; the petition (accompanied by bill, House, No. 3803) of John D. Crosier and Nils L. Nordberg for legislation to provide a more equitable disqualification provision under the Employment Security Law; and the petition (accompanied by bill, House, No. 3811) of Nils L. Nordberg relative to further defining eligibility for unemployment benefits, report recommending that the accompanying bill (House, No. 5938) ought to pass.

For the committee,

NILS L. NORDBERG.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE A MORE EQUITABLE DISQUALIFICATION PROVISION 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. Section 25 of chapter 151A of the General Laws
2 is hereby amended by striking out the first two paragraphs of
3 subsection (c) and inserting in place thereof the following two
4 paragraphs:—

5 (c) The duration of his unemployment and until he has had
6 four or more weeks of work in each of which he earned an
7 amount equal to or in excess of his weekly benefit rate, if he fails
8 without good cause to accept an offer of suitable employment
9 when made by an employing unit or has refused or failed to
10 investigate a referral to work when directed to do so by a local
11 employment office of the division.

12 “Suitable employment”, as used in this subsection, shall be
13 determined by the director, who shall take into consideration the
14 length of the individual’s unemployment and whether the
15 employment is detrimental to the health, safety or morals of an
16 employee, is one for which he is reasonably fitted by training and
17 experience, including employment not subject to this chapter, is
18 one which is located within reasonable distance of his residence or
19 place of last employment, and is one which does not involve
20 travel expenses substantially greater than that required in his
21 former work.

1 SECTION 2. Said section 25 of chapter 151A is hereby further
2 amended by striking out subsection (e), as most recently amended
3 by section 2 of chapter 899 of the acts of 1973, and inserting in
4 place thereof the following subsection:—

5 (e) For the period of unemployment next ensuing and until the
6 individual has had at least four weeks of work and in each of said
7 weeks has earned an amount equivalent to or in excess of his
8 weekly benefit amount after he has left his work (1) voluntarily

9 without good cause attributable to the employing unit or its
10 agent, (2) by discharge shown to the satisfaction of the director to
11 be attributable solely to deliberate misconduct in wilful disregard
12 of the employing unit's interest, or (3) because of conviction of a
13 felony or misdemeanor; provided, however, that if the individual
14 had new work subsequent to such leaving, the number of weeks
15 determined by the director as the period during which no waiting
16 period shall be allowed and no benefits paid shall be reduced by
17 the number of weeks of such new work. No disqualification shall
18 be imposed, if such individual establishes to the satisfaction of the
19 director that he left his employment in good faith to accept new
20 employment on a permanent full-time basis, and that he became
21 separated from such new employment for good cause attributable
22 to the new employing unit. An individual shall not be disqualified
23 under the provisions of this subsection from receiving benefits by
24 reason of leaving his work under the terms of a pension program
25 requiring retirement from the employment, notwithstanding his
26 prior assent, direct or indirect, to the establishment of such
27 pension program.

