

# HOUSE . . . . . No. 4823

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 30, 2020.

The committee on Labor and Workforce Development to whom was referred the joint petition (accompanied by bill, House, No. 4748) of David M. Rogers, Patricia D. Jehlen and others for legislation to further regulate unemployment assistance during public health or public safety emergencies, reports recommending that the accompanying bill (House, No. 4823) ought to pass.

For the committee,

STEPHAN HAY.

**HOUSE . . . . . No. 4823**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act establishing unemployment expansion during public health emergencies.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith exceptions to unemployment assistance during public health emergencies, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*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 24 of Chapter 151A of the General Laws is hereby amended by  
2 inserting after subsection (c) the following subsection:-

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4           (d) No individual shall be considered ineligible for benefits because of failure to comply  
5 with the provisions of said clause (b) if such failure is due to an official public health or public  
6 safety emergency as determined by an executive order executed by the Governor.

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8           SECTION 2. Chapter 151A of the General Laws is hereby amended by inserting the  
9 following paragraph after Section 29(a):-

10 (i) Notwithstanding section 29(a) of chapter 151A of the General Laws, the director of  
11 unemployment assistance shall pay to an individual in total unemployment and who is otherwise  
12 eligible for benefits, whose average weekly wage in his base period exceeds sixty-six dollars, for  
13 each week of unemployment an amount equal to seventy-five percent of his average weekly  
14 wage in the base period, rounded to the next lower full dollar amount, but not more than 75% of  
15 the average weekly wage of employees covered by this chapter, if an ongoing declaration of a  
16 state of emergency exists, including any public health or public safety crisis; provided further  
17 that the director of unemployment assistance shall continue to pay the weekly benefit rate for one  
18 year after the emergency declaration has been lifted; provided further, that any unemployment  
19 assistance furnished during a state of emergency shall not count towards an individual's overall  
20 unemployment benefit in the aggregate and shall not be included in determining eligibility for  
21 benefits under this chapter for the purposes of any benefit year when no state of emergency has  
22 been ordered.

23 SECTION 3. Chapter 151A of the General Laws is hereby amended by inserting the  
24 following paragraph after Section 29(b):-

25 (i) Notwithstanding section 29(b) of chapter 151A of the General Laws, the  
26 director of unemployment assistance shall pay, to an individual in partial unemployment and  
27 otherwise eligible for benefits, the difference between his aggregate remuneration with respect to  
28 each week of partial unemployment and the weekly benefit rate to which he would have been  
29 entitled if totally unemployed; provided, however, that earnings up to two-fifths of his weekly  
30 benefit rate shall be disregarded; and provided further that this payment occurred immediately  
31 prior, during or immediately after a public health or public safety emergency and in accordance  
32 with Section 25A of this chapter; provided further that the director of unemployment assistance

33 shall continue to pay the weekly benefit rate for one year after the emergency declaration has  
34 been lifted. In no case shall the amount of earnings so disregarded plus the weekly benefit rate  
35 equal to or in excess of the individual's average weekly wage. Such partial benefit amount shall  
36 be rounded to the next lower full dollar amount if it includes a fractional part of a dollar. Nothing  
37 in this subsection shall cause a full denial of benefits solely because an individual left a part time  
38 job, which supplemented primary full-time employment, during the individual's base period prior  
39 to being deemed in partial unemployment.