

HB 1775

**AN ACT PROMOTING FAIRNESS IN UNEMPLOYMENT INSURANCE
FOR WORKERS WHO WORK MULTIPLE JOBS.**

Lead Sponsor: Representative Antonio Cabral

Joint Committee on Labor and Workforce Development, 5-2-07, 2 p.m., Rm. B-2

The Problem: A worker's unemployment insurance (UI) check is reduced if the worker quit a part-time job while working a full-time job and then subsequently loses the full-time job through no fault of his or her own.

What the Division of Unemployment Assistance (DUA) does now:

When an individual who is working two jobs leaves a subsidiary part-time job for a disqualifying reason eight weeks or less before losing a full-time job through no fault of his or her own, DUA reduces that individual's UI check as if the worker still held the part-time job. This is the so-called "constructive deduction."

An example of how DUA's practice hurts unemployed workers:

"Mike" had always worked two jobs to save money before starting a family. However, after his first child was born, he quit his part-time evening job to spend time with his baby. One month later, without warning, he was laid off from his full-time job. Mike would go back to his part-time job if the employer would take him, but he has already been replaced. Mike is clearly entitled to UI as a result of his involuntary lay-off; however, under DUA's current legal interpretation and practice, his UI check is reduced as if he were still getting a paycheck from his part-time job.

The Solution: A worker separated from a part-time job held at the same time as a full-time job which is later lost through no fault of the worker's own should receive the entire UI check. DUA should not reduce that worker's UI check under the fiction that the worker still has the part-time income available.

Why this law should be enacted:

- ✓ DUA reduces workers' UI checks under a "constructive deduction" theory notwithstanding the absence of any statutory authority to do so;
- ✓ The unemployment statute compels a liberal interpretation of its provisions in favor of the worker and his family (G.L. c. 151A, sec. 74); however, DUA's constructive deduction penalizes workers who work multiple jobs;
- ✓ This law will have a very small impact on the UI trust fund, while helping those workers who work hard at more than one job at a time.

For more information, please contact the Employment Unit at Greater Boston Legal Services: Monica Halas, 617/603-1666 mhalas@gbls.org, or Margaret Monsell at 617/357-0700, ext. 304, mmonsell@mlri.org.