



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF WORKFORCE DEVELOPMENT
DIVISION OF UNEMPLOYMENT ASSISTANCE

DEVAL L. PATRICK
GOVERNOR

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March 20, 2009

SUZANNE M. BUMP
SECRETARY

MICHAEL TAYLOR
DIRECTOR

EDWARD T. MALMBORG
DIRECTOR

Cheryl Atkinson
United States Department of Labor
Employment and Training Administration
Office of Workforce Security
200 Constitution Ave. NW
Room S-4231
Washington, D.C. 20210

RE: Special Transfers for Unemployment Modernization - Base Period

Dear Ms. Atkinson:

The Commonwealth of Massachusetts (Commonwealth) submits the following information in support of its application for the one-third incentive payment pursuant to section 2003 (a) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

The "regular base period" used by the Commonwealth in its unemployment insurance program is specified in M.G.L. c. 151A, § 1 (a). The "regular base period" is currently in effect and includes the most recently completed calendar quarter before the start of the benefit year. It is a permanent codification to the Massachusetts General Laws and is not subject to discontinuation under any circumstance other than repeal by the legislature. I have attached a copy of M.G.L. c. 151A, § 1 (a) to this letter.

The Commonwealth intends to use the incentive payment for the payment of unemployment benefits. The Commonwealth also intends to submit a separate application for the two-thirds incentive payment in the future.

I hereby certify that this application is submitted in good faith with the intention of providing benefits to unemployed workers who meet the eligibility provisions on which the application is based.

Please contact me or Chief Counsel Robert K. Ganong (617-626-5613) with any questions about this application.

Sincerely,



Edward T. Malmborg
Director

cc:	Gerald Hildebrand, USDOL Suzanne M. Bump, Secretary Michael Taylor, Director Gerald McDonough, Esq. Robert K. Ganong, Esq.
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The General Laws of Massachusetts
Chapter 151A: Section 1. Definitions

Section 1. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise:—

(a) “Base period”, the last four completed calendar quarters immediately preceding the first day of an individual’s benefit year; provided, however that if an individual as a result of the above provision does not meet the requirement of clause (a) of section twenty-four, or has reason to believe that he would be eligible for an increase of ten percent or more in his total benefit credit as defined in subsection (a) of section thirty, if his base period was calculated using the last three completed calendar quarters and any weeks in which wages were paid to the individual during the incomplete calendar quarter in which the individual files a claim, and any such individual who has reason to believe that he would be eligible for an increase of ten percent or more has presented credible substantiation for such belief to the commissioner in writing including, but not limited to, an individual’s wage statement, and the commissioner has verified such circumstance by requesting a report of wages from any employer in such incomplete calendar quarter, then the term “base period” shall mean the last three completed calendar quarters and any weeks in which wages were paid to the individual in the incomplete calendar quarter in which the individual files a claim for benefits; provided, further, that if a claimant received weekly compensation for temporary total disability under the provisions of chapter one hundred and fifty-two or under a similar law of the United States, not including payments for certain specified injuries under section thirty-six of said chapter one hundred and fifty-two or payments for similar specified injuries under workers’ compensation laws of any other state or under any similar law of the United States, for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed fifty-two weeks, for which he received such payments; and provided, further, that no extended base period shall include wages upon which benefits were established and paid with respect to a prior benefit year claim.

Applicants shall receive notice of the option to use the method of determining base period on the basis of the last three completed calendar quarters and any weeks in which wages were paid to the individual during the incomplete calendar quarter, or the prior fifty-two weeks, whichever is applicable. Notice of the availability of this option for all claimants with benefit years beginning on or after October second, nineteen hundred and ninety-four shall be posted in each office in which individuals may apply for benefits. The commissioner shall inform all claimants applying on or after January first, nineteen hundred and ninety-five, in writing, of said option at the time of such filing.