



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

PARTIALLY APPROVED

Town of Chilmark
P.O. Box 119
Chilmark MA 02535

4/11/2013
EAN: 78501930

Re: Seasonal Employer Certification

Dear Tim Carroll

This letter is in response to your Application for Seasonal Employer Certification with the Division of Employment and Training. Enclosed you will find the following information regarding your application:

1. Seasonal Determination
2. Seasonal Certification Summary Sheet for Employees
3. Summary of Massachusetts General Laws relating to Seasonal Certification
4. Notices to Employees of Certification as a Seasonal Employer
5. Request for Hearing form

If you require any further assistance, please feel free to contact me at (617) 626-5532.

Sincerely,

Seasonal Employment Specialist



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

Seasonal Certification Unit

Seasonal Determination

Town of Chilmark

4/11/2013

Occupation	Dates	Status	Comments
Beach Guard	6/1/13 - 9/16/13	Approved	Your application for Seasonal employment has been partially approved. Season is more than 16 weeks for one or more occupation(s).
Beach Parking Attendant	6/1/13 - 9/16/13	Approved	
Beach Sticker Clerk	6/1/13 - 9/16/13	Approved	
Life Guard	6/1/13 - 9/16/13	Approved	
Assistant Beach Superintendent	6/1/13 - 9/16/13	Approved	
Beach Laborer	6/1/13 - 9/16/13	Approved	
Traffic Officer	5/24/13 - 9/9/13	Approved	
Seasonal EMT	5/24/13 - 9/9/13	Approved	
Summer Assistant Wharfinger	5/22/13 - 9/19/13	Approved	
Summer Assistant Harbor Master	6/1/13 - 9/2/13	Approved	



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Seasonal Certification Unit

Seasonal Determination

Town of Chilmark

4/11/2013

Occupation	Dates	Status	Comments
Library Summer Assistant A	5/13/13 - 8/25/13	Denied	Your application for Seasonal employment has been partially approved. Season is more than 16 weeks for one or more occupation(s).
Library Summer Assistant B	5/20/13 - 9/1/13	Denied	
Library Summer Assistant C	5/27/13 - 9/8/13	Denied	



www.chilmarkma.gov

TOWN OF CHILMARK CHILMARK, MASSACHUSETTS

TOWN OFFICES:
Beetlebung Corner
Post Office Box 119
Chilmark, MA 02535
508-645-2100
508-645-2110 Fax

TO: Richard Parker, DET
FR: Tim Carroll, Executive Secretary
DT: April 10, 2013
RE: Seasonal Certification DUA

Please find attached the amended 1872 form. Additionally this memo is to further document our application.

1. The Beach Sticker Clerk is only employed to sell beach stickers during the season.
2. The Traffic Officer is an unarmed parking control staff member in the Menemsha park area.
3. The Seasonal EMT is an additional level of service offered by the Tri Town Ambulance Service, a regional agency hosted by Chilmark for Aquinnah and West Tisbury. During the winter they have hired full time paramedics to staff one ambulance. During the summer we hire EMTs to staff all three ambulances in addition to the Paramedics. While they both respond the ambulance to calls, the Paramedic is functionally different and superior in training and certification.
4. The Library Summer Assistants are functionally different in that they are precluded from performing most of the functions of the year round staff by privacy policies. They are limited to shelving books and other similar labor.

Thank you for the opportunity to clarify our application and the time to get it in to you.

Summary of Seasonal Certification Program for Employers

Seasonal status gives you, as an employer, the opportunity to be relieved of some unemployment benefit charges that may be incurred because of your regular seasonal operations. Please note that nothing in the laws or regulations regarding seasonal determinations shall be construed as relieving any employer from paying the contributions required by law on all wages paid for employment. Nor does it relieve an employer from filing reports required by law or regulations connected with an individual's rights to claim benefits.

REPORTING AND NOTIFICATION REQUIREMENTS:

As a certified seasonal employer, you must adhere to the following reporting and notification requirements:

1. A certified seasonal employer shall display notices of its seasonal status available conspicuously on its premises in a sufficient number of places to be for inspection by its employees. Such notices are enclosed in this package (Form 1875).
2. An employer, who is certified as a seasonal employer, must notify each seasonal employee in writing (using Form 1876) prior to hire, or immediately following the seasonal determination by DET of the following:
 - a. The employee will be or has been hired for a specific seasonal period as certified by the Department of Employment and Training.
 - b. The employee will be performing services in seasonal employment for a certified seasonal employer.
 - c. Employment is limited to the beginning and ending dates of the seasonal period or periods as certified by the Commissioner.
 - d. If a claim for unemployment benefits is filed and denied or the amount of benefits is reduced because of a seasonal determination, the affected employee may appeal his or her designation as a seasonal employee under M. G. L. c. 151 s.s. 39 - 42.
3. A seasonal employer shall give written notice to the Commissioner if the certified seasonal employment equals or exceeds sixteen (16) weeks in a calendar year. such notice shall be filed within five (5) days after completion of the sixteenth week of employment.

BENEFIT ELIGIBILITY INFORMATION:

For benefit years beginning after January 1, 1993, benefits based on seasonal employment may be paid to an otherwise eligible individual only:

- a. Following a non-disqualifying separation which occurs during the seasonal period for which the individual was hired; or
- b. during the next regularly recurring seasonal period following the seasonal period in which the individual earned his wage credits.

Please be aware that if a claim for benefits is filed outside the operating period of seasonal employment, benefits may be paid on the basis of non-seasonal wages only. A seasonal determination shall not affect the benefit rights of seasonal workers to collect unemployment benefits with respect to non-seasonal employment.

When there is a transfer either from seasonal to non-seasonal work or from non-seasonal to seasonal work for the same employer without break or intermission, the claimant's benefits shall be based on all wages paid by the employer.

THE MASSACHUSETTS EMPLOYMENT AND TRAINING LAW PROVIDES AS FOLLOWS:

Section 1 of Chapter 151A of the General Laws, as amended by Section 6 of Chapter 26 of the acts of 1992, is hereby further amended by adding the following subsections: -

(z) "Seasonal employer", an employer that, because of climatic conditions or the nature of the product or service, customarily operates all or a functionally distinct occupation within its business only during a regularly recurring period or periods of less than sixteen weeks for all seasonal periods during a calendar year and only includes an employer who voluntarily submits a written application to the commissioner. Such application shall be submitted at least sixty days prior to the beginning of the season.

(aa) "Seasonal employment", services performed for wages for a seasonal employer during the seasonal period in the employer's seasonal operations, after the effective date of a seasonal determination with respect to the seasonal employer.

(bb) "Seasonal employee", an individual who:

(1) has been employed by a seasonal employer in seasonal employment during a regularly recurring period or periods of less than sixteen weeks in a calendar year for all seasonal periods, as determined by the commissioner, and

(2) has been hired for a specific temporary seasonal period as determined by the commissioner; and

3) has been notified in writing at the time hired, or immediately following the seasonal determination by the department, whichever is later:

(A) that the individual is performing services in seasonal employment for a seasonal employer; and

(B) that the individual's employment is limited to the beginning and ending dates of the employer's seasonal period as determined by the department

(cc) "Seasonal determination", a determination made by the commissioner, as to the seasonal nature of the employer, the normal seasonal period or periods of the employer, and the seasonal operations of the employer covered by such determination.

Section 24A. (a) No waiting period shall be allowed and no benefits shall be paid to an individual on the basis of service performed in seasonal employment as defined by subsection (aa) of section one unless the claim is filed within the operating period of the seasonal employment. If the claim is filed outside the operating period of the seasonal employment, benefits may be paid on the basis of nonseasonal wages only.

b) An employer shall provide the commissioner with such information necessary to make a seasonal determination defined by subsection (cc) of section one. Until the commissioner makes a seasonal determination, no employer or employee may be considered seasonal.

(c) Any employer notified of a seasonal determination may file an appeal regarding a seasonal determination and obtain review of the determination. Such appeal and review shall be in accordance with sections thirty-nine through forty-two, inclusive.

(d) Whenever an employer is determined to be a seasonal employer, the following provisions apply:

(1) The seasonal determination becomes effective the first day of the calendar quarter commencing after the date of the seasonal determination.

(2) The seasonal determination does not affect any benefit rights of seasonal workers with respect to employment before the effective date of the seasonal determination.

(e) If a seasonal employer, after the date of its seasonal determination, operates its business or its seasonal operation during a period or periods of sixteen weeks or more in a calendar year, the employer shall be redetermined by the commissioner to have lost its seasonal status with respect to that business or operation effective at the end of the then current calendar quarter. The redetermination shall be reported in writing to the employer. An employer notified of a redetermination may file an appeal of the redetermination and obtain review of the redetermination in accordance with sections thirty-nine through forty-two, inclusive.

(f) Seasonal employers shall keep account of wages paid to seasonal workers within the seasonal period as determined by the commissioner, and shall report these wages on a special seasonal quarterly report form as prescribed by the commissioner.

Section 39(b) Any interested party notified of a determination may request a hearing within ten days after delivery in hand by the commissioner's authorized representative, or mailing of said notice, unless it is determined in accordance with procedures prescribed by the commissioner that the party had good cause for failing to request a hearing within such time. In no event shall good cause be considered if the party fails to request a hearing within thirty days after such delivery or mailing of said notice. If a hearing is so requested, the commissioner or his authorized representative, except when the alternative provided in subsection (d) is invoked, shall afford all interested parties a reasonable opportunity for a fair hearing before an impartial hearing officer designated by the commissioner.

The manner in which disputed claims shall be presented, and the conduct of the hearings, shall be in accordance with chapter thirty A, and such other procedures as prescribed by the commissioner which are not inconsistent with chapter thirty A. Such procedures shall include provisions for the following:

- (1) reasonable notice of the time and place of the hearing to all parties in order to permit adequate preparation; :
- (2) notice of the issues to be considered thereat;
- (3) the right of representation by an agent, counsel, or advocate;
- (4) the right to produce evidence and offer testimony, examine and cross-examine witnesses; and
- (5) making available to a party, upon request and within a reasonable time prior to a hearing, written information and documents in the possession of the commissioner to the extent necessary for the proper presentation of its case.



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

TO BE POSTED

Certification As a Seasonal Employer

Employer Name: Town of Chilmark

Address: P.O. Box 119

Chilmark

MA 02535

The above-named employer has been approved by the Massachusetts Division of Employment and Training for certification as a seasonal employer. This applies only to the category of employees listed on the Seasonal Determination dated 4/11/2013 .

If you are a seasonal employee, seasonal wages cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions. A seasonal employee is one who is hired to work for a specific time period totaling less than 16 weeks in a calendar year.

If you were hired as a seasonal employee, you must be notified in writing by your employer before beginning your seasonal employment.

The written notice must include:

1. The specific beginning and ending dates of your seasonal employment.
2. The specific occupation for which you were hired that has been certified as seasonal.

Date Posted: _____

Commonwealth of Massachusetts
Form 1875

Seasonal Certification Unit 19 Staniford Street: 5th Floor Boston, MA 02114 Phone: (617) 626-5451

NOTICE TO EMPLOYEES
Certification as a Seasonal Employer

Employer: Town of Chilmark
P.O. Box 119
Chilmark MA 02535

EAN: 78501930

The above-named employer has been approved by the Massachusetts Division of Employment and Training for certification as a seasonal employer. This applies only to the category of employees listed on the Notice of Seasonal Determination dated 4/11/2013 .

If you are a seasonal employee, seasonal wages cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions. A seasonal employee is one who is hired to work for a specific time period totaling less than 16 weeks in a calendar year.

If you were hired as a seasonal employee, you must be notified in writing by your employer before beginning your seasonal employment.

Employee Signature

Town of Chilmark provided me with a copy of the Seasonal Determination from the Division of Employment and Training dated 4/11/2013 . I understand that I am a seasonal employee and that wages from this occupation cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions.

Employee Name: _____ (PRINT)

Employee Signature: _____ Date: _____

Employer Signature

I have provided the above-referenced employee with a copy of the Seasonal Determination from the Division of Employment and Training dated 4/11/2013 . The employee understands that he/she is a seasonal employee and that wages from this occupation cannot be used to establish an Unemployment Insurance benefit claim, except under certain conditions.

Name of Employer Representative: _____ (PRINT)

Employer Rep. Signature: _____ Date: _____



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DEPARTMENT OF UNEMPLOYMENT ASSISTANCE**

Town of Chilmark

The Seasonal Determination dated 4/11/2013 will become final unless you request a hearing within ten days of the mailing date. A request for a hearing may be made by completing the information below and mailing this form to:

Seasonal Certification Unit
Massachusetts Division of Employment and Training
19 Staniford Street: 5th Floor
Boston, MA 02114

Employer: Town of Chilmark

EAN: 78501930

Address: P.O. Box 119
Chilmark MA 02535

Employer Representative: _____ (Print)

I am appealing the Seasonal Determination dated 4/11/2013 for the following reasons: (provide explanation)

Signature: _____ Date: _____