HOUSE DOCKET, NO. 1125 FILED ON: 1/19/2011

HOUSE . . . . . No. 1411

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	*8th Suffolk*
Thomas P. Conroy	*13th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Bradley H. Jones, Jr.	*20th Middlesex*
John D. Keenan	*7th Essex*
Michael R. Knapik	☐ *[District]* ☐
Steven L. Levy	*4th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*

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HOUSE . . . . . No. 1411

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1411) of Martha M. Walz and others for legislation to provide treble damages to employees for employer violations of certain labor laws. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3583* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act regarding treble damages.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to revise employee claims and awards for damages, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 27 of chapter 149 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for

14 any loss of wages and other benefits; and the employee may also be awarded the costs of the
15 litigation and reasonable attorneys' fees

16 SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by
17 striking out the last paragraph and inserting in place thereof the following paragraph:

18 Any employee claiming to be aggrieved by a violation of this section may, at the
19 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
20 attorney general assents in writing, and within 3 years after the said violation, institute and
21 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
22 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
23 benefits. Any employee so aggrieved and who prevails in such an action shall if said violation
24 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
25 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
26 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
27 action if said violation is not willful, shall be awarded damages as determined by the court for
28 any loss of wages and other benefits; and the employee may also be awarded the costs of the
29 litigation and reasonable attorneys' fees

30 SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by
31 striking out the last paragraph and inserting in place thereof the following paragraph:

32 Any employee claiming to be aggrieved by a violation of this section may, at the
33 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
34 attorney general assents in writing, and within 3 years after the said violation, institute and
35 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
36 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
37 benefits. Any employee so aggrieved and who prevails in such an action shall if said violation
38 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
39 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
40 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
41 action if said violation is not willful, shall be awarded damages as determined by the court for
42 any loss of wages and other benefits; and the employee may also be awarded the costs of the
43 litigation and reasonable attorneys' fees

44 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by
45 striking out the last paragraph and inserting in place thereof the following paragraph:

46 Any employee claiming to be aggrieved by a violation of this section may, at the
47 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
48 attorney general assents in writing, and within 3 years after the said violation, institute and
49 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
50 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other

benefits. Any employee so aggrieved and who prevails in such an action shall if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees

SECTION 5. Section 150 of said chapter 149, as so appearing is heareby amended by striking out the last paragraph and inserting in place thereof the following paragraph:

Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.