

HOUSE No. 1712

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 adoption of the accompanying bill:

An Act relative to economic stability for displaced service workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>

<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael J. Moran</i>	<i>18th Suffolk</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>

HOUSE No. 1712

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 1712) of Marjorie C. Decker and others for legislation to provide economic stability for displaced non-professional airport employees. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to economic stability for displaced service workers.

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 150 of chapter 149, as appearing in the 2010 Official Edition, is
2 hereby amended by inserting after the word “159C”, in line 21, the following word:-

3 “, 189”.

4 SECTION 4. Chapter 149 is hereby further amended by inserting after section 188 the
5 following sections:-

6 Section 189

7 (a) As used in this section, the following words, unless the context clearly requires
8 otherwise, shall have the following meanings:-

9 (A) “Awarding authority” means any person that awards or otherwise contracts for
10 property or non professional airport services performed within the Commonwealth including
11 contracted janitorial, security, maintenance and aviation services.

12 (B) “Successor Contractor” means any person or entity that employs, or that will
13 employ by the acquisition of a contract for service covered by this section, 10 or more
14 individuals engaged in property or aviation services, and who assumes a service contract where
15 essentially the same services were previously performed by another contractor in the same
16 location within the previous 30 days.

17 (C) “Predecessor Contractor” means any person or entity that performs a contract for
18 property or aviation services prior to the commencement of the successor contractor.

19 (D) "Service Employee" means any employee performing services including but not
20 limited to janitorial, maintenance, aviation and security services who works non-seasonally for
21 at least 8 hours per week. This does not include a person who is a managerial, supervisory, or
22 confidential employee, including those employees who would be so defined under the federal
23 Fair Labor Standards Act.

24 (E) "Service Contract" means any contract that has the principal purpose of
25 providing janitorial, maintenance, security, aviation or other services through the use of service
26 employees.

27 (b) Where an awarding authority uses a service contract for the purpose defined in
28 Section 189(a), subsection (E), a successor contractor shall retain, for a minimum 90-day
29 transition period, service employees who have been employed by a predecessor contractor for the
30 preceding four months or longer.

31 The successor contractor shall make a written offer of employment to each employee not
32 less than 10 days prior to the commencement of service;

33 The employee must answer the offer not more than 10 days from the date the offer is
34 made;

35 If the full complement of the predecessor's employees is not retained by the successor
36 because the successor requires fewer employees to perform the service contract, the remaining
37 employees of the predecessor contractor will be placed on a preferential hiring list and will have
38 the right of first refusal for any new open position during the transition period.

39 The employer will have the right to discharge the employee during the transition period
40 for cause which shall be based on work performance or conduct, but in no case will the discharge
41 be arbitrary or capricious.

42 (c) The awarding authority shall have the obligation, in accordance with the requirements
43 above, to notify a predecessor contractor within 3 days of the granting of a new award and
44 awardee. Predecessor contractor will have the obligation to supply successor contractor and
45 awarding authority with the employee names and corresponding dates of hire and job
46 classification. Upon commencement of service, the successor contractor shall provide to the
47 awarding authority a list of all employees providing service at the site or sites pertaining to the
48 new contract for service with the awarding authority, indicating which employees were
49 employed by the predecessor and which were not.

50 Failures or omissions in contravention of subsection 189(c) will result in a fine to either
51 awarding authority, predecessor contractor, or both of \$500.00 per employee prejudiced, to be
52 paid to the Massachusetts Department of Unemployment Assistance.