

SENATE No. 878

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 to improve the Commonwealth's economy with a strong minimum wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Anthony W. Petrucci</i>	<i>First Suffolk and Middlesex</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>

<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Brian R. Mannal</i>	<i>2nd Barnstable</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

SENATE No. 878

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 878) of Marc R. Pacheco, Daniel A. Wolf, Michael D. Brady, Martha M. Walz and other members of the General Court for legislation relative to the minimum wage. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to improve the Commonwealth's economy with a strong minimum wage.

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 1 of chapter 151 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out, in line 5, the figure “\$8.00” and inserting in
3 place thereof the following figure: - \$9.00.

4 SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking
5 out the figure “\$9.00”, inserted by section 1, and inserting in place thereof the following figure:-
6 \$10.00.

7 SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking
8 out the figure “\$10.00”, inserted by section 2, and inserting in place thereof the following
9 figure:- \$11.00.

10 SECTION 4. Said section 1 of said chapter 151 is hereby amended by inserting, in line
11 10, after the word “nine”, the following words:-

12 Beginning in 2016, and in each year thereafter, the minimum wage shall be adjusted
13 based upon the twelve-month percentage increase, if any, in the Consumer Price Index for all
14 Urban Consumers (or a successor index, if any) as published by the Bureau of Labor Statistics of
15 the United States Department of Labor, based on the most recent twelve-month period for which
16 data is available at the time that the adjustment is made, and rounded up to the nearest five cents.
17 The adjusted minimum wage shall be calculated and announced by April 1 of each year, and
18 shall become effective as the new minimum wage on July 1 of each year.

19 SECTION 5. Said section 1 of said chapter 151 is hereby further amended by striking
20 out, in line 12, the figure “\$.10” and inserting in place thereof the following figure:- \$1.50.

21 SECTION 6. Said chapter 151, as so appearing, is hereby further amended by striking
22 out section 1A, as appearing in the 2010 Official Edition, and inserting in place thereof the
23 following section:-.

24 Except as otherwise provided in this section, no employer in the commonwealth shall
25 employ any of his employees in an occupation, as defined in section two, for a work week longer
26 than forty hours, unless such employee receives compensation for his employment in excess of
27 forty hours at a rate not less than one and one half times the regular rate at which he is employed.
28 Sums paid as commissions, drawing accounts, bonuses, or other incentive pay based on sales or
29 production, shall be excluded in computing the regular rate and the overtime rate of
30 compensation under the provisions of this section. In any work week in which an employee of a
31 retail business is employed on a Sunday or certain holidays at a rate of one and one-half times
32 the regular rate of compensation at which he is employed as provided in chapter 136, the hours
33 so worked on Sunday or certain holidays shall be excluded from the calculation of overtime pay
34 as required by this section, unless a collectively bargained labor agreement provides otherwise.
35 Except as otherwise provided in the second sentence, nothing in this section shall be construed to
36 otherwise limit an employee’s right to receive one and one-half times the regular rate of
37 compensation for an employee on Sundays or certain holidays or to limit the voluntary nature of
38 work on Sundays or certain holidays, as provided for in said chapter 136.

39 This section shall not be applicable to any employee who is employed:—

40 (1) as a janitor or caretaker of residential property, who when furnished with living
41 quarters is paid a wage of not less than thirty dollars per week.

42 (2) as a golf caddy, newsboy or child actor or performer.

43 (3) as a bona fide executive, or administrative or professional person or qualified trainee
44 for such position earning more than eighty dollars per week.

45 (4) as an outside salesman or outside buyer.

46 (5) as a learner, apprentice or handicapped person under a special license as provided in
47 section nine.

48 (6) as a fisherman or as a person employed in the catching or taking of any kind of fish,
49 shellfish or other aquatic forms of animal and vegetable life.

50 (7) as a switchboard operator in a public telephone exchange.

51 (8) as a driver or helper on a truck with respect to whom the Interstate Commerce
52 Commission has power to establish qualifications and maximum hours of service pursuant to the

53 provisions of section two hundred and four of the motor carrier act of nineteen hundred and
54 thirty-five, or as employee of an employer subject to the provisions of Part 1 of the Interstate
55 Commerce Act or subject to title II of the Railway Labor Act.

56 (9) in a business or specified operation of a business which is carried on during a period
57 or accumulated periods not in excess of one hundred and twenty days in any year, and
58 determined by the commissioner to be seasonal in nature.

59 (10) as a seaman.

60 (11) by an employer licensed and regulated pursuant to chapter one hundred and fifty-
61 nine A.

62 (12) as a garageman, which term shall not include a parking lot attendant.

63 (13) in a non-profit school or college.

64 (14) in a summer camp operated by a non-profit charitable corporation.

65 (15) as a laborer engaged in agriculture and farming on a farm.

66 (16) in an amusement park containing a permanent aggregation of amusement devices,
67 games, shows, and other attractions operated during a period or accumulated periods not in
68 excess of one hundred and fifty days in any one year.

69 SECTION 7. Section 2 of said chapter 151, as so appearing, is hereby amended by
70 striking out, in line 27, the words “agricultural and farm work”.

71 SECTION 8. Section 7 of said chapter 151, as so appearing, is hereby amended by
72 striking out, in lines 30 and 31, the words “the cash wage required to be paid such an employee
73 on July 1, 1999” and inserting in place thereof the words:-

74 70 percent of the wage in effect under section 1 of this chapter

75 SECTION 9. Section 20A of said chapter 151, as so appearing, is hereby amended by
76 striking out, in line 2, the word “two” and inserting in place thereof the word:-

77 Three

78 SECTION 10. Section 1 shall take effect 60 days after enactment.

79 SECTION 11. Section 2 shall take effect on July 1, 2014.

80 SECTION 12. Section 3 shall take effect on July 1, 2015.