

HOUSE No. 1773

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Ultrino

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 establish a living wage for employees of big box retail stores and fast food chains.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 1773

By Mr. Ultrino of Malden, a petition (accompanied by bill, House, No. 1773) of Steven Ultrino and others for legislation to establish a living wage for employees of certain retail stores and fast food restaurants. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to establish a living wage for employees of big box retail stores and fast food chains.

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 2 of chapter 151 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting at the end thereof the following new
3 definitions:-

4 “Fast food or big box retail employer,” an individual, corporation, partnership or other
5 entity, or group of individuals or entities, including any agent thereof, that (a) employs 200 or
6 more fast food or big box retail employees in the commonwealth, whether directly or through a
7 contractor or subcontractor such as a temporary or staffing agency or a cleaning or security
8 contractor, or (b) is a fast food franchisor, or a fast food franchisee of a fast food franchisor,
9 where the franchisor and the franchisees of that fast food franchisor together employ a total of
10 200 or more fast food employees in the commonwealth. Any such contractor or subcontractor,
11 fast food franchisor, or fast food franchisee shall qualify as a fast food or big box retail employer

12 and shall be jointly and severally liable for compliance with the minimum wage and other wage
13 and hour requirements for fast food or retail employers.

14 “Fast food or big box retail employee,” any employee working on the premises of a fast
15 food restaurant or big box retail store, including employees employed through the services of a
16 contractor or subcontractor such as a temporary or staffing agency or a cleaning or security
17 contractor.

18 “Fast food restaurant” or “fast food,” a restaurant where patrons generally order or select
19 items and pay before eating, which has a limited menu, items prepared in advance or prepared or
20 heated quickly, and food served in disposable wrapping or containers.

21 “Fast food franchisee,” an individual, corporation, partnership or other entity, or group of
22 individuals or entities, that operates one or more fast food restaurants in the commonwealth
23 under a franchise agreement with another individual, corporation, partnership or other entity, or
24 group of individuals or entities.

25 “Fast food franchisor,” an individual, corporation, partnership or other entity, or group of
26 individuals or entities, that grants a fast food franchisee the right to operate one or more fast food
27 restaurants in the commonwealth under its trademark or trade name.

28 “Big box retail store,” a retail business where merchandise is sold on the premises that
29 has a sales area of 25,000 square feet or more.

30 SECTION 2. Said chapter 151 is hereby further amended by striking out section 1, as so
31 appearing, as amended by sections 28 and 31 of chapter 144 of the acts of 2014, and inserting in
32 place thereof the following section:-

33 Section 1. It is hereby declared to be against public policy for any employer to employ
34 any person in an occupation in this commonwealth at an oppressive and unreasonable wage as
35 defined in section two, and any contract, agreement or understanding for or in relation to such
36 employment shall be null and void. For a fast food or big box retail employer, a wage of less
37 than \$12.00 per hour shall conclusively be presumed to be oppressive and unreasonable, where
38 the term “minimum wage” is used in this chapter. A wage of less than \$10.00 per hour, in any
39 other occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and
40 unreasonable, where the term “minimum wage” is used in this chapter, unless the commissioner
41 has expressly approved or shall expressly approve the establishment and payment of a lesser
42 wage under the provisions of sections seven and nine. Notwithstanding the provisions of this
43 section, in no case shall the minimum wage rate be less than \$.50 higher than the effective
44 federal minimum wage rate.

45 SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking out
46 the figure “\$12.00”, inserted by section 2, and inserting in place thereof the following figure:-
47 \$13.50.

48 SECTION 4. Said section 1 of said chapter 151 is hereby further amended by striking out
49 the figure “\$13.50”, inserted by section 3, and inserting in place thereof the following figure:-
50 \$15.00.

51 SECTION 5. Sections 1 and 2 shall take effect on January 1, 2016.

52 SECTION 6. Section 3 shall take effect on January 1, 2017.

53 SECTION 7. Section 4 shall take effect on January 1, 2018.