

SENATE No. 680

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Establishing a Temporary Workers Right To Know..

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 46A of chapter 140 of the General Laws, as appearing in the 2006
2 OfficialEdition, is hereby amended by adding, after line 57, the following words:-

3 As used in this section, and sections 46B(b), 46P, and 46R, the terms “employee,”
4 “employer,” “employment,” “staffing agency,” and “work site employer,” shall have the
5 meanings assigned to them by section 159C of chapter 149 of the General Laws.

6 SECTION 2. Section 46B of chapter 140 of the General Laws, as so appearing, is
7 amended by adding, in line 1, after the words “Section 46B,” the following letter:- (a)

8 SECTION 3. Section 46B of chapter 140 of the General Laws, as so appearing, is
9 amended by inserting after the first paragraph the following paragraph:-

10 (b) Notwithstanding the other provisions of this chapter, a staffing agency which is
11 excluded from the definition of “employment agency” under section 46A, shall furnish in writing
12 for each employee on the date of hire the following information: (1) the name of the staffing
13 agency and the address of the staffing agency’s principal location; (2) the name of the worksite

14 employer and the worksite address for the employee's assignment; the kind and character of the
15 employment, including any requirement for special attire, accessories, tools, safety equipment, or
16 licenses and any costs charged to the employee as allowed by law; the protective equipment
17 including personal protective equipment that will be provided at no charge by the staffing agency
18 or worksite employer; whether the employee must receive special training as required by law; the
19 rate of wages or compensation, including any benefits to be paid for the work and the overtime
20 rate of pay; whether such employment is temporary; the expected duration of the work to be
21 performed by the employee, including daily starting time, anticipated end time, and anticipated
22 overtime, if any; a statement of the employee's right to workers' compensation benefits and the
23 employer's workers' compensation carrier name and number; a complete and accurate
24 description of work site hazards to which the employee may become exposed or the name of a
25 contact person at the worksite who can provide a complete and accurate description of work site
26 hazards to which the employee may become exposed; any meal(s) to be provided by the staffing
27 agency or the worksite employer and the cost of such meal(s), as allowed by law, if any; the total
28 fee to be exacted by the staffing agency from the employee, if any; and the provisions set out in
29 this section; provided that, nothing in this paragraph shall be construed to prohibit a staffing
30 agency from hiring an employee by telephone, but such telephone message shall comply with the
31 disclosure requirements of this paragraph and shall be, confirmed in writing by the staffing
32 agency and included with the employee's first paycheck or first payment of wages; a copy of
33 such confirmation shall be kept by the staffing agency for a period of at least one year; (3) the
34 name and address of the division of occupational safety; and (4) a receipt for every charge made
35 by the staffing agency the employee has paid. A copy of said receipt shall be kept by the staffing

agency for three years and shall be made available for inspection by the employee, commissioner or his or her duly authorized agent or inspector, upon their request.

SECTION 4. Section 46P of chapter 140 of the General Laws, as so appearing, is amended by adding, in line 3, after the word “inclusive,” the following words:-

and each staffing agency shall post in a conspicuous place in such agency a copy of section 46B (b).

SECTION 5. Chapter 140 of the General Laws is amended by inserting after section 49R the following section:-

Section 46S. Exemptions of Certain Staffing Agencies

Staffing agencies are exempt from complying with the provisions of sections 46B(b) and 46P of this chapter if their employees are placed in jobs that pay an hourly wage that is equal to or greater than three times the minimum wage as set forth in section 1 of chapter 151 of the General Laws, or notwithstanding the hourly wage, place all of their employees in jobs designated by the North American Industry Classification System, Revisions for 2002 as Professional, Scientific, or Technical Services, 541.