

SENATE No. 719

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Willfull Violations of the Wage Law..

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 27 of chapter149, as amended by chapter 80 of the acts of 2008, is
2 hereby amended by inserting at the end of sections 1, 2, 3, 4 and 5 the following sentence: -

3 “If, however, an employer shows by clear and convincing evidence to the court that the
4 act or omission giving rise to such action was in good faith and that the employer had reasonable
5 grounds for believing that its act or omission was not a violation, the court, may in its sound
6 discretion, award no liquidated damages or award any amount thereof not to exceed three times
7 the amount of the employee’s lost wages and benefits.”

8 And be it further amended by inserting at the end of section 6 the following sentence:-

9 “If, however, an employer shows by clear and convincing evidence to the court that the
10 act or omission giving rise to such action was in good faith and that the employer had reasonable
11 grounds for believing that its act or omission was not a violation, the court, may in its sound
12 discretion, award no liquidated damages or award any amount thereof not to exceed three times
13 the amount of the employee’s lost overtime and compensation.”

14 And be it further amended by inserting at the end of section 7 the following sentence:-

15 “If, however, an employer shows by clear and convincing evidence to the court that the
16 act or omission giving rise to such action was in good faith and that the employer had reasonable
17 grounds for believing that its act or omission was not a violation, the court, may in its sound
18 discretion, award no liquidated damages or award any amount thereof not to exceed three times
19 the amount of the loss of minimum wage.”