

SENATE No. 965

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 willfull violations of the wage law..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Michael R. Knapik</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>

SENATE No. 965

By Mr. Tarr, petition (accompanied by bill, Senate, No. 965) of Ross, Knapik and Tarr for legislation relative to willfull violations of the wage law [Joint Committee on Labor and Workforce Development].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 719 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 chapter 149, as amended by chapter 80 of the acts of
2 2008, is hereby amended by inserting at the end of sections 1, 2, 3, 4 and 5 the following
3 sentence: - “If, however, an employer shows by clear and convincing evidence to the court that
4 the act or omission giving rise to such action was in good faith and that the employer had
5 reasonable grounds for believing that its act or omission was not a violation, the court, may in its
6 sound discretion, award no liquidated damages or award any amount thereof not to exceed three
7 times 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
9 sentence:- “If, however, an employer shows by clear and convincing evidence to the court that
10 the act or omission giving rise to such action was in good faith and that the employer had

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