

# HOUSE . . . . . No. 4605

---

## The Commonwealth of Massachusetts

---

HOUSE OF REPRESENTATIVES, September 12, 2016.

The committee on Labor and Workforce Development to whom were referred the petition (accompanied by bill, Senate, No. 169) of Jason M. Lewis, Ruth B. Balsler, William N. Brownsberger, Daniel A. Wolf and other members of the General Court for legislation to protect trade secrets and eliminate non-compete agreements; the petition (accompanied by bill, Senate, No. 955) of William N. Brownsberger for legislation relative to the payment of wages; the petition (accompanied by bill, Senate, No. 957) of William N. Brownsberger, Lori A. Ehrlich, Jason M. Lewis, Kenneth J. Donnelly and other members of the General Court for legislation relative to the judicial enforcement of noncompetition agreements; the petition (accompanied by bill, Senate, No. 960) of Sonia Chang-Diaz, James B. Eldridge and Linda Dorcena Forry for legislation to ensure uniformity in education discrimination complaint procedures; the petition (accompanied by bill, Senate, No. 961) of Cynthia S. Creem, Denise Provost, Chris Walsh and David F. DeCoste for legislation relative to municipal unemployment insurance reform; the petition (accompanied by bill, Senate, No. 963) of Viriato M. deMacedo, Bruce E. Tarr, Robert L. Hedlund, Donald F. Humason, Jr. and others for legislation to provide treble damages to employees for employer violations of certain labor laws; the petition (accompanied by bill, Senate, No. 964) of Viriato M. deMacedo, Bruce E. Tarr and Robert L. Hedlund relative to the payment of wages; the petition (accompanied by bill, Senate, No. 965) of Viriato M. deMacedo for legislation relative to unemployment insurance; the petition (accompanied by bill, Senate, No. 973) of Kenneth J. Donnelly, Sean Garballey, Jason M. Lewis, Barbara L'Italien and other members of the General Court for legislation to establish fair scheduling for employees

in the Commonwealth; the petition (accompanied by bill, Senate, No. 977) of Anne M. Gobi, Gailanne M. Cariddi, Sal N. DiDomenico, Michael O. Moore and other members of the General Court for legislation to prohibit disciplinary actions by employers on employees serving as volunteer emergency responders; the petition (accompanied by bill, Senate, No. 979) of Donald F. Humason, Jr., Bruce E. Tarr, Viriato M. deMacedo and Robert L. Hedlund for legislation relative to seasonal employment; the petition (accompanied by bill, Senate, No. 982) of Patricia D. Jehlen, Denise Provost, James B. Eldridge, Jason M. Lewis and other members of the General Court for legislation relative to the tipped minimum wage; the petition (accompanied by bill, Senate, No. 987) of Brian A. Joyce, Jason M. Lewis, Chris Walsh, Michelle M. DuBois and other members of the General Court for legislation to ensure an adequate living wage; the petition (accompanied by bill, Senate, No. 988) of Archie Manning for legislation relative to electrical panels and workplace safety; the petition (accompanied by bill, Senate, No. 991) of Mark C. Montigny, James B. Eldridge and Marjorie C. Decker for legislation relative to fair hiring practices; the petition (accompanied by bill, Senate, No. 996) of Marc R. Pacheco, Jennifer E. Benson, Marjorie C. Decker, Benjamin Swan and other members of the General Court for legislation to improve the Commonwealth's economy with a strong minimum wage; the petition (accompanied by bill, Senate, No. 998) of Marc R. Pacheco, Robert M. Koczera, William M. Straus and Sal N. DiDomenico for legislation relative to consumers and workers; the petition (accompanied by bill, Senate, No. 1002) of Michael J. Rodrigues and Aaron Vega for legislation to enhance employment opportunities; the petition (accompanied by bill, Senate, No. 1006) of Karen E. Spilka for legislation to promote consistency and transparency in construction contracting; the petition (accompanied by bill, Senate, No. 1009) of Bruce E. Tarr, Viriato M. deMacedo, Donald F. Humason, Jr. and Richard J. Ross for legislation to promote employer sponsorship of health care; the petition (accompanied by bill, Senate, No. 1010) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and other members of the General Court for legislation to recognize the independence of franchise operators; the petition (accompanied by bill, Senate, No. 1011) of Bruce E. Tarr for legislation to ensure fairness in the disability adjudication process; the petition (accompanied by bill, Senate, No. 1012) of John Lahoud for legislation relative to terms of employment; the petition (accompanied by bill, Senate, No. 1013) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and others for legislation to provide a safe harbor for contractors of services; the petition (accompanied by bill, Senate, No. 1014) of Bruce E. Tarr for legislation to improve unemployment insurance; the petition (accompanied by bill, Senate, No. 1015) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and others for legislation relative to a worker documentation certification program; the petition (accompanied by bill,

Senate, No. 1016) of Bruce E. Tarr, Donald H. Wong, Viriato M. deMacedo, Donald F. Humason, Jr. and others for legislation relative to unemployment insurance reform; the petition (accompanied by bill, Senate, No. 1020) of James E. Timilty for legislation relative to equity in the workplace; the petition (accompanied by bill, House, No. 1682) of Jennifer E. Benson and Tricia Farley-Bouvier relative to discrimination against family caregivers in the workplace; the petition (accompanied by bill, House, No. 1688) of James Doucette relative to the hours of operation for stores and shops that sell goods at retail on certain holidays; the petition (accompanied by bill, House, No. 1692) of Tackey Chan relative to binding arbitration for public employee collective bargaining proceedings; the petition (accompanied by bill, House, No. 1696) of Tackey Chan and others for legislation to include offsite fabrication work for qualified projects under the prevailing wage laws of the Commonwealth; the petition (accompanied by bill, House, No. 1702) of Tricia Farley-Bouvier and others relative to the minimum wage employers are required to pay tipped employees; the petition (accompanied by bill, House, No. 1706) of Sean Garballey relative to the Joint Labor-Management Committee; the petition (accompanied by bill, House, No. 1708) of Sean Garballey and others relative to establishing schedules for employees; the petition (accompanied by bill, House, No. 1709) of Colleen M. Garry relative to child labor laws; the petition (accompanied by bill, House, No. 1710) of Colleen M. Garry for legislation to further define the term “negatively affect” as relates to personnel records; the petition (accompanied by bill, House, No. 1711) of Colleen M. Garry relative to the definition of “part-time” worker; the petition (accompanied by bill, House, No. 1713) of Carlos Gonzalez and others for legislation to dedicate a portion of certain grants to promote community on-the-job training for youths; the petition (accompanied by bill, House, No. 1719) of Sheila C. Harrington and others relative to the prohibition of noncompetition business agreements; the petition (accompanied by bill, House, No. 1720) of Daniel J. Hunt and others for legislation to require certain notices prior to plant closings or layoffs; the petition (accompanied by bill, House, No. 1722) of Bradley H. Jones, Jr., and others relative to work requirements for public assistance recipients; the petition (accompanied by bill, House, No. 1729) of Robert M. Koczera and others for legislation to require persons receiving unemployment insurance to register and receive orientation at a one-stop career center; the petition (accompanied by bill, House, No. 1730) of Robert M. Koczera and Benjamin Swan relative to matching contributions or annual additions by employers to retirement plans of employees; the petition (accompanied by bill, House, No. 1732) of Kevin J. Kuros relative to the designation of certain persons contracted for services as employees; the petition (accompanied by bill, House, No. 1734) of Marc T. Lombardo, Kevin J. Kuros and Shaunna L. O’Connell relative to increasing the penalties for employers who employ any alien who is a student or visitor or who has

not been admitted to the United States; the petition (accompanied by bill, House, No. 1735) of John J. Mahoney and others relative to increasing the minimum wage for private sector human service workers; the petition (accompanied by bill, House, No. 1737) of Elizabeth A. Malia, Sean Garballey and others for legislation to ensure the payment of at least a living wage to all employees; the petition (accompanied by bill, House, No. 1738) of Brian R. Mannel relative to the unemployment insurance rate-setting system in the Commonwealth; the petition (accompanied by bill, House, No. 1741) of Paul W. Mark that the Workers' Compensation Advisory Council be directed to conduct a study of the need for a new insurance classification for repairing and reinforcing steel on existing bridges; the petition (accompanied by bill, House, No. 1742) of Jerry Moran relative to the compensation of employees on Sundays and holidays; the petition (accompanied by bill, House, No. 1744) of Paul McMurtry relative to unemployment compensation contribution rates for new employers; the petition (accompanied by bill, House, No. 1745) of Paul McMurtry for legislation to reduce the administrative burden on employers and third party agents in complying with the unemployment insurance laws; the petition (accompanied by bill, House, No. 1754) of Shaunna L. O'Connell and others relative to the payment of wages to self-employed contractors of services; the petition (accompanied by bill, House, No. 1755) of Shaunna L. O'Connell and others relative to the definitions of and profile of independent contractors; the petition (accompanied by bill, House, No. 1761) of Angelo J. Puppolo, Jr., relative to the prohibition of noncompetition agreements; the petition (accompanied by bill, House, No. 1762) of David M. Rogers and others for the establishment of a living minimum wage for employees and contracted employees of the Commonwealth; the petition (accompanied by bill, House, No. 1763) of Jeffrey N. Roy relative to properly classifying an individual as an employee; the petition (accompanied by bill, House, No. 1770) of Ellen Story for legislation to provide unemployment benefits to certain employees of public educational institutions; the petition (accompanied by bill, House, No. 1772) of Walter F. Timilty, Marjorie C. Decker and Michael O. Moore relative to electronic monitoring in the workplace; the petition (accompanied by bill, House, No. 1779) of Jonathan D. Zlotnik and Stephen L. DiNatale relative to personnel record notifications; the petition (accompanied by bill, House, No. 1780) of Jonathan D. Zlotnik, Stephen L. DiNatale and Kimberly N. Ferguson relative to the payment of wages; the petition (accompanied by bill, House, No. 1782) of Jonathan D. Zlotnik, Stephen L. DiNatale and Kimberly N. Ferguson relative to employee reference liability; the petition (accompanied by bill, House, No. 1783) of Jonathan D. Zlotnik, Kimberly N. Ferguson and Stephen L. DiNatale relative to employment discrimination; the petition (accompanied by bill, House, No. 3262) of Shawn Dooley and Chris Walsh relative to the payment of wages to terminated employees; the petition (accompanied by bill, House, No.

3263) of Carolyn C. Dykema and Paula Vosburgh relative to unemployment insurance notices; the joint petition (accompanied by bill, House, No. 3581) of Sarah K. Peake (by vote of the town) that the town of Chatham be exempt from complying with certain labor law requirements; the joint petition (accompanied by bill, House, No. 3663) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) that the restoration of the Old Firehouse in the town of Orleans be exempt from certain provisions of the prevailing wage laws; the petition (accompanied by bill, House, No. 3943) of Thomas J. Calter and others for legislation to reward whistleblowers who contribute to the prosecution of individuals and businesses operating in the "underground economy"; and the petition (accompanied by bill, House, No. 4053) of Mark J. Cusack for legislation to further regulate domestic workers; reports recommending that the accompanying order (House, No. 4605) ought to be adopted.

For the committee,

JOHN W. SCIBAK.

*The Commonwealth of Massachusetts*



1           *Ordered*, That the committee on Labor and Workforce Development be authorized to sit  
2 during a recess of the General Court to make an investigation and study of Senate documents  
3 numbered 169, 955, 957, 960, 961, 963, 964, 965, 973, 977, 979, 982, 987, 988, 991, 996, 998,  
4 1002, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1020 and House documents  
5 numbered 1682, 1688, 1692, 1696, 1702, 1706, 1708, 1709, 1710, 1711, 1713, 1719, 1720, 1722,  
6 1729, 1730, 1732, 1734, 1735, 1737, 1738, 1741, 1742, 1744, 1745, 1754, 1755, 1761, 1762,  
7 1763, 1770, 1772, 1779, 1780, 1782, 1783, 3262, 3263, 3581, 3663, 3943 and 4053, relative to  
8 labor and workforce development.

9           Said committee shall report to the General Court the results of its investigation and study  
10 and its recommendations, if any, together with drafts of legislation necessary to carry such  
11 recommendations into effect, by filing the same with the Clerk of the House of Representatives  
12 on or before December 31, 2016.