SENATE

. No. 963

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo

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 regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato M. deMacedo	Plymouth and Barnstable
Bruce E. Tarr	First Essex and Middlesex
Robert L. Hedlund	Plymouth and Norfolk
Donald F. Humason, Jr.	Second Hampden and Hampshire
Kevin J. Kuros	8th Worcester

SENATE No. 963

By Mr. deMacedo, a 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. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. 1777 OF 2013-2014.]

The Commonwealth of Alassachusetts

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

An Act regarding treble damages.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to revise employee claims and awards for damages, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. Section 27 of chapter 149 of the General Laws, as appearing in the 2012
- 2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
- 3 thereof the following paragraph:-
- Any employee claiming to be aggrieved by a violation of this section may, at the
- 5 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
- 6 attorney general assents in writing, and within 3 years after the violation, institute and prosecute
- 7 in the employee's own name and on the employee's own behalf, or for the employee and for

others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in the employee's own name and on the employee's own behalf, or for the employee and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in the employee's own name and on the employee's own behalf, or for the employee and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in the employee's own name and on the employee's own behalf, or for the employee and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action

shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.

SECTION 5. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the violation, institute and prosecute in the employee's own name and on the employee's own behalf, or for the employee and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, however, that any employee so aggrieved who prevails in such an action shall, if the violation is not willful, be awarded damages as determined by the court for any lost wages and other benefits and may also be awarded the costs of the litigation and reasonable attorneys' fees.