

SENATE No. 973

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

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 establishing fair scheduling for employees in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

SENATE No. 973

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

The Commonwealth of Massachusetts

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

An Act establishing fair scheduling for employees in the Commonwealth.

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. Chapter 149 of the General Laws, as appearing in the 2012 Official
2 Edition, is hereby further amended by inserting after section 148B the following section:-

3 Section 148C. (a) The following words, as used in this section, unless the context
4 otherwise requires, shall have the following meanings:—

5 “Employee”, any individual employed by an employer, excluding those employees
6 contained in chapter 151, section 1A, subsection 3, and including employees employed through
7 the services of a temporary services or staffing agency, or a cleaning or security services
8 contractor.

9 “Employer”, shall include any person acting directly or indirectly in the interest of an
10 employer in relation to an employee and includes a public employer.

11 “Franchisee”, an individual, corporation, partnership or other entity, or group of
12 individuals or entities, that operates one or more fast food restaurants or retail stores in the
13 commonwealth under a franchise agreement with another individual, corporation, partnership or
14 other entity, or group of individuals or entities.

15 “Franchisor”, an individual, corporation, partnership or other entity, or group of
16 individuals or entities, that grants a franchisee the right to operate one or more fast food
17 restaurants or retail stores in the commonwealth under its trademark or trade name.

18 “Fast food restaurant”, a restaurant where patrons generally order or select items and pay
19 before eating, which has a limited menu, items prepared in advance or prepared or heated
20 quickly, and food served in disposable wrapping or containers.

21 “Retail store”, a retail business where merchandise is sold on the premises.

22 “Shift”, the consecutive hours an employer requires an employee to work or to be on-call
23 to work, provided that a break of one hour or less shall not be considered an interruption of
24 consecutive hours.

25 “Work schedule”, all of an employee’s regular and on-call shifts during a consecutive 7-
26 day period.

27 (b) Any fast food restaurant or retail store as defined in this section making changes,
28 cancellations additions or reductions to the schedule of an employee within 14 days of a
29 scheduled shift shall pay not less than one additional hour and no more than four additional hours
30 in addition to wages earned for hours worked. Violations for non-payment of wages defined in
31 this section shall be subject to section 150, 27(c), and 148(a) of this chapter.

32 The Executive Office of Labor and Workforce Development shall establish rules and
33 regulations for the scheduling of workers in fast food restaurants and retail stores that
34 individually or through franchisor or franchisee relationships, employ more than 75 people. Such
35 rules shall establish a notification table that employers must use to notify employees of changes,
36 cancellations, additions, and reductions in hours worked or days scheduled and shall define
37 reporting requirements for shift schedules. Said notification table shall include a scale of
38 additional hours to be paid for violations of schedule modifications as described in the preceding
39 paragraph.