

HOUSE No. 3154

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia and Sean Garballey

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 ensuring an adequate living wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/20/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/23/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>11/1/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>11/1/2017</i>

HOUSE No. 3154

By Representatives Malia of Boston and Garballey of Arlington, a petition (accompanied by bill, House, No. 3154) of Elizabeth A. Malia, Sean Garballey and others for legislation to ensure the payment of at least a living wage to all employees. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1737 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act ensuring an adequate living wage.

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 23 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after Section 11W the following new chapter:-

3 Chapter 11X. Commonwealth Living Wage Law

4 Section 1. Definitions.

5 For the purposes of this chapter, the following terms shall have the definitions set forth
6 herein:

7 (a) “Employer receiving state benefits” shall mean any employer, as defined in section
8 one of chapter one hundred fifty-two, that satisfies at least one of the following conditions,
9 within the preceding three years and after the effective date of this chapter:

10 (1) The employer had a contractual relationship with the state, including, but not limited
11 to, contracts for the sale or lease of goods or services or other property that is valued at \$100,000
12 or more; provided that a non-profit provider of human services shall not be included herein
13 unless the provider's contract with the state includes adequate funding to cover payment of a
14 living wage to the provider's employees.

15 (2) The employer received a tax benefit valued at \$100,000 or more from the
16 commonwealth under the terms of one or more of the following provisions: sub-sections (g), (j),
17 (l), (m), (n), (o), (p), (q), or (r) of section six of chapter sixty-two, or sections six I, six J, six M,
18 six N, or six ½ of chapter sixty-two, or sections thirty-one A, thirty-one E, thirty-one H, thirty-
19 one L, thirty-one M, thirty-eight M, thirty-eight N, thirty-eight P, thirty-eight Q, thirty-eight R,
20 thirty-eight U, thirty-eight W, thirty-eight X, thirty-eight Z, thirty-eight AA, thirty-eight BB,
21 thirty-eight CC, thirty-eight EE, or thirty-eight FF of chapter sixty-three.

22 (3) The employer was a subcontractor or a sub-lessee of an employer receiving state
23 benefits, within the meaning of this section.

24 (b) "Living wage" shall mean an hourly wage of not less than \$13.89 per hour, as of
25 January 1, 2016; not less than \$14.39 per hour as of January 1, 2017; not less than \$14.89 per
26 hour as of January 1, 2018; and not less than \$15.00 per hour as of January 1, 2019. As of
27 January 1, 2020 and each year thereafter, "living wage" shall mean \$15.00 per hour inflated to
28 reflect the increase in the consumer price index between the beginning of 2020 and the beginning
29 of the year in question.

30 Section 2. Payment of Living Wage

31 (a) Every employer receiving state benefits, as defined in this chapter, shall pay each of
32 its employees employed within the commonwealth at least a living wage, as defined in this
33 chapter. The provisions of this chapter shall not apply to any employee during any period when
34 such employee's wages are governed by any other provision of law mandating a higher wage.

35 (b) Nothing in this chapter shall be read to require or authorize any employer receiving
36 state benefits to reduce wages set by a collective bargaining agreement.

37 (c) No employer receiving state benefits shall fund wage increases required by this
38 chapter, or otherwise respond to the provisions of this chapter, by reducing the health, insurance,
39 pension, vacation, or other non-wage benefits of any of its employees.

40 Section 3. Administration and Enforcement

41 (a) The director of the division of labor standards is hereby authorized and directed to
42 promulgate regulations as necessary or advisable for the effective administration and
43 enforcement of this chapter. The director may require that covered employers keep records and
44 submit reports to the director that the director determines are necessary for the effective
45 administration and enforcement of this chapter.

46 (b) Every employer receiving state benefits shall post in a prominent and easily
47 accessible place at the work site of any affected employee a notice of (1) the living wage rate, (2)
48 the employee's rights under this chapter, and (3) contact information for the state agency
49 responsible for enforcement of this chapter. The division of labor standards may specify the
50 appropriate language for such notice.

51 (c) The director of the division of labor standards may impose on an employer that
52 violates any provision of this chapter a civil penalty not exceeding \$500 per violation.

53 (d) The director of the division of labor standards shall provide, by regulation, for barring
54 any employer violating the provisions of this chapter from receiving the benefits from the state
55 that subject employers to the provisions of this chapter. Said regulations shall provide employers
56 with an opportunity for a fair hearing before debarment, and shall set reasonable terms for the
57 scope and duration of any such debarment.

58 (e) If an employee was paid less than the wage required under this chapter, the employee
59 is entitled to recover from the employer an amount equal to twice the amount of the difference
60 between the required wage and the amount received by the employee. Such an employee is
61 entitled to sue to recover this amount, and, in a successful suit, is also entitled to recover
62 reasonable attorney's fees and costs.

63 (f) The attorney general has authority to investigate possible violations of the
64 requirements of this chapter and to bring suit to enforce the requirements of this chapter. In such
65 a suit, the attorney general can recover amounts on behalf of employees as provided in this
66 section, penalties as provided in this section, and such other relief, injunctive or monetary, as
67 may be appropriate.