

SENATE No. 1040

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 to establish a living wage for employees of big box retailers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------|------------------------------------|-----------------|
| <i>Marc R. Pacheco</i> | <i>First Plymouth and Bristol</i> | |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>2/1/2017</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/2/2017</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> | <i>2/2/2017</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/3/2017</i> |

SENATE No. 1040

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1040) of Marc R. Pacheco, Jonathan Hecht, Sal N. DiDomenico, Michael S. Day and others for legislation to establish a living wage for employees of big box retailers. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act to establish a living wage for employees of big box retailers.

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 2 of chapter 151 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting at the end thereof the following new
3 definitions:-

4 “Big box retail employer,” an individual, corporation, partnership or other entity, or
5 group of individuals or entities, including any agent thereof, that employs 200 or more big box
6 retail employees in the commonwealth, whether directly or through a contractor or subcontractor
7 such as a temporary or staffing agency or a cleaning or security contractor. Any such contractor
8 or subcontractor shall qualify as a big box retail employer and shall be jointly and severally
9 liable for compliance with the minimum wage and other wage and hour requirements for retail
10 employers.

11 “Big box retail employee,” any employee working on the premises of a big box retail
12 store, including employees employed through the services of a contractor or subcontractor such
13 as a temporary or staffing agency or a cleaning or security contractor.

14 “Big box retail store,” a retail business where merchandise is sold on the premises that
15 has a sales area of 25,000 square feet or more.

16 SECTION 2. Said chapter 151 is hereby further amended by striking out section 1, as so
17 appearing, as amended by sections 28 and 31 of chapter 144 of the acts of 2014, and inserting in
18 place thereof the following section:-

19 Section 1. It is hereby declared to be against public policy for any employer to employ
20 any person in an occupation in this commonwealth at an oppressive and unreasonable wage as
21 defined in section two, and any contract, agreement or understanding for or in relation to such
22 employment shall be null and void. For a big box retail employer, a wage of less than \$12.00 per
23 hour shall conclusively be presumed to be oppressive and unreasonable, where the term
24 “minimum wage” is used in this chapter. A wage of less than \$11.00 per hour, in any other
25 occupation, as defined in this chapter, shall conclusively be presumed to be oppressive and
26 unreasonable, where the term “minimum wage” is used in this chapter, unless the commissioner
27 has expressly approved or shall expressly approve the establishment and payment of a lesser
28 wage under the provisions of sections seven and nine. Notwithstanding the provisions of this
29 section, in no case shall the minimum wage rate be less than \$.50 higher than the effective
30 federal minimum wage rate.

31 SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking out
32 the figure “\$12.00”, inserted by section 2, and inserting in place thereof the following figure:-
33 \$13.50.

34 SECTION 4. Said section 1 of said chapter 151 is hereby further amended by striking out
35 the figure “\$13.50”, inserted by section 3, and inserting in place thereof the following figure:-
36 \$15.00.

37 SECTION 5. Sections 1 and 2 shall take effect on January 1, 2018.

38 SECTION 6. Section 3 shall take effect on January 1, 2019.

39 SECTION 7. Section 4 shall take effect on January 1, 2020.