

SENATE No. 995

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:	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/2/2017</i>

SENATE No. 995

By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 995) of Viriato M. deMacedo, Thomas J. Calter and Donald F. Humason, Jr. 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 SENATE, NO. 963 OF 2015-2016.]

The Commonwealth of Massachusetts

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

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:

1 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:-

4 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

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

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

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

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

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

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

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

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

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

60 Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B,
61 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the
62 filing of a complaint with the attorney general, or sooner if the attorney general assents in
63 writing, and within 3 years after the violation, institute and prosecute in the employee's own
64 name and on the employee's own behalf, or for the employee and for others similarly situated, a
65 civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
66 benefits. Any employee so aggrieved who prevails in such an action shall, if the violation is
67 willful, be awarded treble damages, as liquidated damages, for any lost wages and other benefits
68 and shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided,
69 however, that any employee so aggrieved who prevails in such an action shall, if the violation is
70 not willful, be awarded damages as determined by the court for any lost wages and other benefits
71 and may also be awarded the costs of the litigation and reasonable attorneys' fees.