

**HOUSE . . . . . No. 2723**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Daniel J. Hunt***

*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 relating to fair pay and safe workplaces.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/15/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>David Biele</i>	<i>4th Suffolk</i>	<i>1/31/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/1/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/31/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>2/1/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/1/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/31/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 2723**

By Mr. Hunt of Boston, a petition (accompanied by bill, House, No. 2723) of Daniel J. Hunt and others for legislation to further regulate state contracts and sub-contracts. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relating to fair pay and safe workplaces.

*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. (a) As used in this section, the following words shall, unless the context  
2 clearly requires otherwise, have the following meanings:--

3 “Offeror” shall mean the person who has authority to, and does submit an offer to a state  
4 agency to enter into any state contract;

5 “State agency” shall have the meaning given the term in section 1 of chapter 29;

6 “State contract” shall mean any contract with a state agency whereby the state agency is  
7 obligated to make payment to the contracting party for goods, services, or other work to be  
8 delivered or performed under the contract;

9 “State contracting officer” shall mean any person with the authority to enter into a  
10 contract on behalf of a state agency;

11 “Workplace laws” shall mean any regulation, statute, or law that aims to prohibit  
12 discrimination in, or regulate, the workplace that is applicable to a contracting entity;

13 (b) All state contracting officers shall ensure that the solicitation for a state contract  
14 requires the offeror—

15 (1) to represent, to the best of the offeror’s knowledge and belief, whether there has  
16 been any administrative merits determination, arbitral award or decision, or civil judgment  
17 rendered against the offeror in the preceding three years for violations of any workplace laws,  
18 including health and safety standards, wage laws, and civil rights laws; including but not limited  
19 to:

- 20 a. the Fair Labor Standards Act of 1938, 29 U.S.C. 201 et seq.;
- 21 b. the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq.;
- 22 c. the National Labor Relations Act (29 U.S.C. 151 et seq.;
- 23 d. the Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.;
- 24 e. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.;
- 25 f. The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.;
- 26 g. The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.;
- 27 h. The Civil Service Reform Act of 1978;
- 28 i. The Immigration and Nationality Act, 8 U.S.C. 1324b;
- 29 j. Executive Order 11246;

30 k. Section 1981 of the Civil Rights Act of 1966;

31 l. Workers Compensation Law,

32 m. Title I of the Genetic Nondiscrimination Act;

33 n. Chapter 151B of the General Laws; or

34 o. Any other equivalent state or federal law.

35 (2) to require each subcontractor for state contract to represent to the offeror, to the  
36 best of the subcontractor's knowledge and belief, whether there has been any administrative  
37 merits determination, arbitral award or decision, or civil judgment rendered against the  
38 subcontractor in the preceding three years for violations of any such workplace laws, including  
39 health and safety standards, wage laws, and civil rights laws as enumerated above.

40 (c) All state contracting officers, in consultation with the Executive Office of Labor  
41 and Workforce Development, shall consider information provided by the offeror under Section 1  
42 in determining whether to award a contract.

43 (d) The state contracting officer for an awarded contract shall require that the  
44 contractor update the information provided under Section 1 every six months. The state  
45 contracting officer, in consultation with the Executive Office of Labor and Workforce  
46 Development, shall determine whether any information provided under this section warrants  
47 corrective action. Such action may include:

48 (1) an agreement requiring appropriate remedial measures;

49 (2) compliance assistance;

- 50           (3)     resolving issues to avoid further violations; or
- 51           (4)     the decision not to exercise an option on a contract or to terminate the contract.
- 52           SECTION 2. This act shall take effect upon its passage.